PRACTICAL FORMS:

BEING CHIEFLY DESIGNED AS AN

APPENDIX

TO THE

PRACTICE OF THE

COURT OF KING's BENCH

IN PERSONAL ACTIONS.

By WILLIAM TIDD, Esq.
OF THE INNER TEMPLE.

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1799.

1745
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PREFACE.

IN conducting a ſuit at law, there are two things to be conſidered by the practitioner; firſt, what is to be done; and ſecondly, the time and manner of doing it: And in attending to theſe objects, it will be found that an adherence to certain eſtabliſhed forms is conſtantly neceſſary.

Theſe forms conſiſt principally of notices, demands, rules of court, ſummonſes and orders, writs and returns, and entries of proceedings. *Notices* are either of an intention to bring an action, or of ſomething done or intended to be done in the courſe of the ſuit, ſuch as notices of bail being put in, or declaration filed, or of motion or trial, *&c.* *Demands* are of ſomething to be given or done by the oppoſite party, as oyer and copy of deeds, *&c.* Notices and demands paſs between the parties or their attornies, and are not filed or entered of record.

The *Rules* of the court are of four kinds; firſt, ſuch as are given by the maſter, or clerk of the errors, *&c.* and entered with the clerk of the rules; ſecondly, ſuch as are given and entered by the clerk of the rules, on a *præcipe* or note of

inſtructions; thirdly, ſide-bar rules, or ſuch as were anciently moved by the attornies at ſide-bar; and fourthly, ſuch rules as are, or are ſuppoſed to be moved in court, which are either abſolute in the firſt inſtance, or preceded by a rule to ſhew cauſe. The application for theſe latter rules is made by motion or petition, which is uſually founded on an affidavit of the circumſtances. Affidavits are alſo in ſome caſes required by act of parliament, in order to give effect to particular proceedings, as of the cauſe of action, or truth of a plea in abatement, *&c.* And after a rule has been obtained, it is ſometimes neceſſary that certain forms ſhould be obſerved under it, as in the caſe of a rule to examine witneſſes on interrogatories, *&c.* The rules of the court are not conſidered as records, but only remembrances of its proceedings; and are filed, with the affidavits in ſupport of them, in the office of the clerk of the rules. *Summonſes* and *orders* are iſſued by the judges; and anſwer to the rules of the court, the former being in nature of rules to ſhew cauſe, and the latter of abſolute rules. In general, they are intended to regulate thoſe leſs important matters, which are not altogether of courſe, but yet are not of ſufficient moment to claim the attention of the court, ſuch as the allowance of further time to plead, *&c.*

Writs are *original* or *judicial*; the former iſſue out of Chancery, for the commencement or removal

moval of actions; the latter are iſſued by the court in which the actions are proſecuted: And they are either directed to the ſheriff, commanding him to bring in the defendant, ſummon the jury, aſſiſt the court in making inquiſitions, or execute their judgments, &c. or they are addreſſed to the witneſſes in a cauſe; or to the judges or officers of an inferior court, requiring them to certify a record, &c. Judicial writs are either *meſne*, that is, ſuch as iſſue between the commencement and termination of the ſuit, including the jury-proceſs; or *final*, which are iſſued after judgment, to obtain execution, or for other purpoſes. Writs are in general obtained as a matter of courſe, by applying for them, with a *præcipe* or note of inſtructions, to the proper officer; and when returned, are filed with the proceedings which have been had under them, in the treaſury of the court.

Entries of proceedings are of the appearance, pleadings or ſuggeſtions of the parties; of recognizances of bail; of the verdict of the jury on a trial, or inquiſition on a writ of inquiry; or of the acts of the court, in awarding proceſs, continuing the cauſe, or giving judgment, &c. Theſe entries are made on parchment rolls, which are docketted, and filed in the treaſury of the court, where they remain as evidence of its proceedings.

In the following work, the author has in the first place endeavoured to form a full and correct outline of the subject, corresponding as much as possible with his book of practice: To fill up this outline, he has with the assistance of his friend Mr. *Thompson*, collected from the different printed books, as well as from his own manuscripts, a great variety of practical forms, which have been collated and compared, and such of them selected as appeared to be the most eligible. These have been all carefully revised; and are placed in the order in which they occur in the course of a suit, so as to exhibit the general order of the proceedings, and the particular varieties attending them. To avoid unnecessary repetition, references are occasionally made to other precedents of the same nature; and throughout the whole of the work, as the subject did not admit of novelty, the greatest attention has been paid to method and arrangement.

This collection was intended principally as an *Appendix* to the Practice of the Court of King's Bench, in Personal Actions; and a table is therefore prefixed, pointing out the particular forms referred to in that work: but as many others have been inserted, which may render the publication separately useful, it was thought right to give a general *Index* to the whole, under alphabetical titles.

TEMPLE,
November 1st, 1799.

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PRAC-

PRACTICAL FORMS,

&c. &c. &c.

PLEAS before our lord the king at *Weſtminſter*, of the term of *Saint Michael*, in the fortieth year of the reign of our ſovereign lord *George* the third, by the grace of God of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, and in the year of our Lord one thouſand ſeven hundred and ninety-nine. Style of the court.

To *C. D.* Eſquire, one of his majeſty's juſtices of the peace in and for the county of ——. Notice of action to a juſtice, by the *party*, for falſe impriſonment.

SIR,

YOU having, on or about the —— day of —— laſt, as one of his majeſty's juſtices of the peace in and for the ſaid county of ——, cauſed me to be apprehended, and unlawfully committed to a certain common gaol or priſon called —— in and for the ſame county, and to be there impriſoned, and kept and detained in priſon there, without any reaſonable or probable cauſe whatſoever, for a long ſpace of time, to wit, for the ſpace of —— then next following; I do therefore, according

cording to the form of the ſtatute in ſuch caſe made and provided, hereby give you notice, that I ſhall, at or ſoon after the expiration of one calendar month from the time of your being ſerved with this notice, cauſe a writ of —— to be ſued out of his majeſty's court of King's Bench at Weſtminſter againſt you, at my ſuit, for the ſaid impriſonment, and ſhall proceed againſt you thereupon according to law. Dated this —— day of —— 179—.

Your's, &c.

A. B.

Indorſement thereon.

E. F. of, &c. attorney for the within-named *A. B.*

Notice of action to a juſtice, by the *attorney*, for falſe impriſonment.

To *C. D.* Eſquire, one of his majeſty's juſtices, &c.

SIR,

YOU having, on or about the —— day of —— laſt, as one of his majeſty's juſtices of the peace in and for the ſaid county of ——, cauſed *A. B.* of &c. to be apprehended, &c.; I do therefore, as the attorney of and for the ſaid *A. B.* in this behalf, according to the form of the ſtatute in ſuch caſe made and provided, hereby give you notice, that I ſhall, at or ſoon after the expiration of one calendar month from the time of your being ſerved with this notice, cauſe a writ of —— to be ſued out of his majeſty's court of King's Bench at *Weſtminſter* againſt you, at the ſuit of the ſaid *A. B.* for the ſaid impriſonment, and ſhall proceed againſt you thereupon according to law. Dated, &c.

(Indorſement, as before.) Your's, &c.

E. F.

Attorney for the ſaid *A. B.*

To

To *C. D.* and *E. F.* officers of his majesty's Customs.

The like to custom-house officers, by the *party*, for seizing a brig, &c.

YOU having, on or about the —— day of —— last, as officers of his majesty's customs, unlawfully seized and taken possession of a certain brig or vessel called ——, together with her tackle, apparel, furniture, and stores, of and belonging to me *A. B.* of, *&c.* and being of a large value, to wit, of the value of —— *l.*, and from thence hitherto unlawfully kept and detained the said brig or vessel, and her tackle, apparel, furniture, and stores aforesaid, and converted and disposed thereof to your own use; I do therefore, according to the form of the statute in such case made and provided, hereby give you notice, that I shall, at or soon after the expiration of one calendar month from the time of your being served with this notice, cause a writ of —— to be sued out of his majesty's court of King's Bench at *Westminster* against you, at my suit, for the said trespass, and shall proceed against you thereupon according to law. Dated, *&c.*

(Indorsement, as before.) Your's, *&c.*

A. B.

To *C. D.* and *E. F.* officers of his majesty's Excise.

The like to excise officers, by the *attorney*, for seizing goods.

YOU having, on or about the —— day of —— last, as officers of his majesty's excise, unlawfully seized, taken, and carried away a large quantity, to wit, two hundred pounds weight of soap, belonging to *A. B.* of, *&c.* and being of a large value, to wit, of the value of —— *l.*, and converted and disposed thereof to your own use; I do therefore, as the at-

torney of and for the ſaid *A. B.* in this behalf, according to the form of the ſtatute in ſuch caſe made and provided, hereby give you notice, that I ſhall, at or ſoon after the expiration of one calendar month from the time of your being ſerved with this notice, cauſe a writ of —— to be ſued out of his majeſty's court of King's Bench at *Weſtminſter* againſt you, at the ſuit of the ſaid *A. B.* for the ſaid treſpaſs, and ſhall proceed againſt you thereupon according to law. Dated, *&c.*

(Indorſement, as before.) Your's, *&c.*

E. F.

Attorney for the ſaid *A. B.*

The like by the *party*, another way, for ſtopping and detaining the plaintiff's horſe and cart, &c.

To *C. D.* and *E. F.* officers of his majeſty's Exciſe.

I DO hereby, according to the form of the ſtatute in ſuch caſe made and provided, give you notice, that I ſhall by my attorney Mr. *E. F.* of, *&c.* at or ſoon after the expiration of one calendar month from the time of your being ſerved with this notice, cauſe a writ of —— to be ſued out of his majeſty's court of King's Bench at Weſtminſter, againſt you, at my ſuit; for that you the ſaid *C. D.* and *E. F.* on the —— day of —— laſt, with force and arms, ſeized and laid hold of my horſe, of a large price, which was then paſſing in and along the king's highway, and drawing my cart, of a large value, wherein I was then riding and going in and about my lawful and neceſſary affairs and buſineſs, and without my licence or conſent, and againſt my will, ſtopped and detained me and my ſaid horſe and cart for a long ſpace of time, to wit, for the ſpace of ——, during which I not only loſt and was de-

prived of the uſe and benefit of my ſaid horſe and cart, but was hindered and prevented from doing and tranſacting my lawful and neceſſary affairs and buſineſs: And alſo for that you the ſaid *C. D.* and *E. F.* on the ſaid —— day of —— laſt, with force and arms, ſeized and took my ſaid horſe and cart, and kept and detained the ſame againſt my will, for another long ſpace of time, to wit, for the ſpace of ——, during which I loſt and was deprived of the uſe and benefit of my ſaid horſe and cart: And alſo for that you the ſaid *C. D.* and *E. F.* on the ſaid —— day of —— laſt, with force and arms, aſſaulted, beat, bruiſed, wounded, and ill-treated me, and impriſoned me, and kept and detained me in priſon, without any reaſonable or probable cauſe whatſoever, for a long ſpace of time, to wit, for the ſpace of ——, contrary to the laws and cuſtoms of this realm, and againſt my will; and rent, tore, damaged, and ſpoiled my cloaths, of a large value, which I then had on and wore: and other wrongs to me did, to my great damage, and againſt the peace of our lord the now king. Dated *&c.*

(Indorſement, as before.) Your's, *&c.*

A. B.

Demand on a conſtable, of the peruſal and copy of a warrant.

I DO hereby, as the attorney of and for *A. B.* of, *&c.* according to the form of the ſtatute in ſuch caſe made and provided, demand of you, the peruſal and copy of the warrant, by virtue or under colour whereof you did, on or about the —— day of —— laſt, apprehend the ſaid *A. B.* and carry and convey him

him in cuſtody, to and before *G. H.* eſquire, one of his majeſty's juſtices of the peace in and for the county of ——. Dated this —— day of 179—.

Your's, &c.

E. F.

Attorney for the ſaid *A. B.*

To Mr. *C. D.*

The like on a gaoler.

I DO hereby, as the attorney of and for *A. B.* of, &c, according to the form of the ſtatute in ſuch caſe made and provided, demand of you the peruſal and copy of the warrant of commitment and detainer, under which you received into your cuſtody the ſaid *A. B.* on or about the —— day of —— laſt, and kept and detained him in cuſtody for the ſpace of —— then next following. Dated, &c.

Your's, &c.

E. F.

Attorney for the ſaid *A. B.*

To Mr. *C. D.*

A. B. plaintiff,

In the King's Bench. and

C. D. defendant.

Petition by an infant, to be admitted to ſue by *prochein ami*.

To the Right Honourable *Lloyd* Lord *Kenyon*, Lord Chief Juſtice of his Majeſty's Court of King's Bench.

The humble petition of *A. B.* the plaintiff in this cauſe;

Sheweth,

THAT your petitioner has, as he is adviſed, good cauſe of action againſt the above-named *C. D.* for a

breach of promiſe of marriage, and that your petitioner has lately commenced an action in this honourable court againſt the ſaid *C. D.* for the ſame, but in regard that your petitioner is an infant, under the age of twenty-one years, to wit, of the age of ——.

Your petitioner therefore humbly prays your lordſhip to admit him to proſecute the ſaid action by *E. F.* of, *&c.* your petitioner's next friend.

And your petitioner ſhall ever pray, *&c.*

Conſent of *prochein ami.*

I DO hereby conſent and agree, that the above-named *A. B.* ſhall be at liberty to proſecute this action, by me as his next friend, according to the prayer of the above petition. Witneſs my hand this —— day of —— 179—

Witneſs *G. H.* *E. F.*

In the King's Bench.

C. D. defendant,
and
A. B. plaintiff.

Affidavit of ſignature of petition and conſent.

G. H. of, *&c.* maketh oath and ſaith, that *A. B.* the above-named plaintiff, did on the —— day of —— inſtant, duly ſign the petition hereunto annexed, in the preſence of this deponent: And this deponent further ſaith, that at the ſame time he was preſent, and did ſee *E. F.* the perſon mentioned in the prayer of the ſaid petition, duly ſign the conſent or agreement thereunder written, as the next friend of the ſaid *A. B.*

Sworn, *&c.* *G. H.*

Rule of court thereupon.

IT is ordered by the court, that *E. F.* be admitted to profecute for *A. B.*, who is under the age of twenty-one years, againſt *C. D.*, a certain action of treſpaſs on the caſe, (or as the action is,) in the court of the lord the king before the king himſelf, as the next friend of the ſaid *A. B.* during his minority.

By the court.

Rule of court for the admiſſion of a guardian for defendant.

IT is ordered by the court, that *G. H.* be admitted to defend for *C. D.*, who is under the age of twenty-one years, at the ſuit of *A. B.*, a certain action of treſpaſs on the caſe, (or as the action is,) in the court of the lord the king before the king himſelf, as the guardian of the ſaid *C. D.* during his minority.

By the court.

General admiſſion to profecute and defend, &c.

E. F. is admitted to profecute and defend for *A. B.*, who is under the age of twenty-one years, all and all manner of actions, ſuits, and controverſies whatſoever, in the court of the lord the king before the king himſelf, as the next friend and guardian of the ſaid *A. B.* during his minority. Admitted the —— day of —— 179—.

Kenyon.

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

To the Right Honourable *Lloyd* Lord *Kenyon*, Lord Chief Juſtice of his Majeſty's Court of King's Bench.

Petition to ſue *in formâ pauperis.*

The humble petition of *A. B.*

Sheweth,

THAT the ſaid defendant is juſtly indebted unto your petitioner, in the ſum of —— *l.* for the work and labour of your petitioner, done for the ſaid defendant at his requeſt; and your petitioner hath not as yet commenced any action againſt him for the ſame, being unable (or, hath commenced an action againſt him for the ſame, but finds himſelf unable) to carry on the ſaid cauſe, on account of his extreme poverty, as appears by the affidavit hereto annexed.

Your petitioner therefore moſt humbly prays, that he may be admitted to proſecute his ſaid action *in formâ pauperis*, and that *E. F.* Eſquire may be aſſigned to him as his counſel, and *G. H.* Gentleman as his attorney, to proſecute his ſaid ſuit.

And your petitioner ſhall ever pray, *&c.*

Certificate of counſel thereon.

I humbly conceive, that the ſaid petitioner hath good cauſe of action againſt the abovenamed *C. D.*, and humbly conſent to be his counſel.

E. F.

Affidavit in ſupport of the above petition.

A. B. of, *&c.* maketh oath and ſaith, that he is not worth five pounds in the world (ſave and except his wearing apparel, and the matter in queſtion in this cauſe).

Sworn, *&c.* *A. B.*

Memorandum of warrant for plaintiff.

In the Court of King's Bench.

Middleſex, (to wit). *E. F.* is retained to proſecute by *A. B.* as his attorney, againſt *C. D.*

No. —— (on the file). } *E. F.* plaintiff's attorney.

If by an agent to the attorney immediately retained, add, by *E. F.* his agent.

Entered, or filed of record, this —— day of —— in the —— year of the reign of king *George* the third.

(Officer's name.)

Queritur, or plaint in treſpaſs.

Middleſex, (to wit). *A. B.* complains of *C. D.* For that the ſaid *C. D.* on the —— day of —— in the —— year of the reign of our lord the now king, with force and arms, *&c.* broke and entered the cloſe of the ſaid *A. B.* at —— in the county aforeſaid; and other wrongs to him did, to the damage of the ſaid *A. B.* of —— *l.*, and againſt the peace of our ſaid lord the now king, *&c.*

John Doe,
Pledges to proſecute, and
Richard Roe.

Attachment thereon.

The ſheriff is commanded, that he attach *C. D.* ſo that he be before our lord the king at *Weſtminſter*, on —— next after —— to anſwer *A. B.* of a plea of treſpaſs, and that he have there then this precept.

By bill. *Way.*

The

The within-named defendant hath nothing in my bailiwick, by which he can be attached. Return thereto.

The anſwer of —— ſheriff.

Middleſex, (to wit). Bill for *A. B.* againſt *C. D.* returnable on —— next after ——. *Præcipe* for bill of Middleſex not bailable.

E. F. attorney.

—— 179—.

Middleſex, (to wit). The ſheriff is commanded to take *C. D.* and *Richard Roe*, if they be found in his bailiwick, and them ſafely keep, ſo that he may have their bodies before the lord the king at *Weſtminſter*, on —— next after —— to anſwer *A. B.* of a plea of treſpaſs; and that he have there then this precept. Bill of Middleſex not bailable.

By bill. *Way.*

Mr. *C. D.*

You are ſerved with this proceſs, to the intent that you may by your attorney appear (if againſt man and wife, ſay, "for yourſelf and —— your wife") in his majeſty's court of King's Bench at *Weſtminſter*, at the return thereof, being the —— day of —— next, (or inſtant,) in order to your defence in this action. Notice to appear.

E. F. Temple.

E. F. Temple, —— 179—. Indorſement.

Plaintiff's attorney (or agent).

—— 179—.

Middleſex, (to wit). *Alias* (or *pluries*) bill for *A. B.* againſt *C. D.* returnable on —— next after ——. *Præcipe* for *alias* or *pluries* bill of Middleſex.

E. F. attorney.

—— 179—.

Middleſex,

Alias or *pluries* bill of Middleſex.

Middleſex, (to wit). The ſheriff is commanded, as *before* he was (or as *oftentimes* before he hath been) commanded, to take *C. D.* and *Richard Roe*, *&c.* (as in the bill of *Middleſex*, altering the return).

Præcipe for *latitat* not bailable.

—— (to wit). *Latitat* for *A. B.* againſt *C. D.* treſpaſs, returnable on —— next after ——.

E. F. attorney.

—— 179—.

Latitat not bailable.

George the Third, *&c.* to the ſheriff of ——, greeting: Whereas we lately commanded our ſheriff of *Middleſex*, that he ſhould take *C. D.* and *Richard Roe*, if they ſhould be found in his bailiwick, and them ſafely keep, ſo that he might have their bodies before us at *Weſtminſter*, at a certain day now paſt, to anſwer *A. B.* of a plea of treſpaſs; and our ſaid ſheriff of *Middleſex* at that day returned to us, that the ſaid *C. D.* and *Richard Roe* were not found in his bailiwick; whereupon, on the behalf of the ſaid *A. B.* it is ſufficiently teſtified in our court before us, that the ſaid *C. D.* and *Richard Roe* do run up and down and ſecrete themſelves in your county: Therefore we command you, that you take them, if they ſhall be found in your bailiwick, and them ſafely keep, ſo that you may have their bodies before us at *Weſtminſter*, on —— next after ——, to anſwer the ſaid *A. B.* of the plea aforeſaid, and have there then this writ. Witneſs *Lloyd* Lord *Kenyon*, at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Way.

Notice to appear, and indorſement thereon, as before, p. 11.

—— (to

—— (to wit). *Alias* (or *pluries*) *capias* for *A. B.* againſt *C. D.* treſpaſs, returnable on —— next after ——.

Præcipe for *alias* or *pluries capias* not bailable.

E. F. attorney.

—— 179—.

George the Third, *&c.* to the ſheriff of ——, greeting: We command you, as *before* (or "as *oftentimes* before") we have commanded you, that you take *C. D.* and *Richard Roe*, if they ſhall be found in your bailiwick, and them ſafely keep, ſo that you may have their bodies before us at *Weſtminſter*, on —— next after —— to anſwer *A. B.* of a plea of treſpaſs; and have there then this writ. Witneſs, *&c.*

Alias or *pluries capias* not bailable.

TO the ſheriff (or ſheriffs) of our city (or town and county of the town) of ——.

Direction to the ſheriff or ſheriffs of a city, or town and county.

And note; the cities of *Canterbury*, *Exeter*, *Litchfield*, and *Worceſter*, and the towns of *Kingſton-upon-Hull*, *Newcaſtle upon-Tyne*, *Poole*, and *Southampton*, have only one ſheriff; but the cities of *Briſtol*, *Cheſter*, *Coventry*, *Glouceſter*, *Lincoln*, *London*, *Norwich*, and *York*, and the town of *Nottingham*, have two ſheriffs.

TO the coroner of our city of *London*, (or coroners of our county of ——).

The like to the coroner.

TO our chancellor of our county-palatine of *Lancaſter*, or to his deputy there.

The like to a county-palatine.

TO

TO our chamberlain of our county-palatine of *Cheſter*, or his deputy.

TO the reverend father in God —— by divine permiſſion lord biſhop of *Durham*, or to his chancellor there.

The like to the cinque-ports.

TO our conſtable (or lieutenant) of our caſtle of *Dover*, or to his deputy there.

The like to the iſle of *Ely*.

TO our juſtices of the biſhop of *Ely*, aſſigned to hold pleas within the iſle of *Ely*, and to the ſteward of the ſame biſhop within the liberties of the iſle aforeſaid, and to every of them: Or thus;

To our truſty and well-beloved —— our chief juſtice aſſigned to hold the ſeſſions of pleas within the liberty or royal franchiſe of the honourable and right reverend father in God —— by divine permiſſion lord biſhop of *Ely*, within the iſle of *Ely*, in the county of *Cambridge*, and to —— chief-bailiff of the ſaid biſhop, within the liberties of the ſaid iſle, and to each of them.

The like to *Berwick*.

TO the mayor and bailiffs of our borough of *Berwick-upon-Tweed*.

TABLE OF TERMS AND RETURNS.

HILARY TERM.

Returns by original.	Returns by bill, and attachment of privilege.
1. In eight days of Saint Hilary.	1. On —— next after eight days of Saint Hilary.
2. In fifteen days of Saint Hilary.	2. On —— next after fifteen days of Saint Hilary.
3. On the morrow of the Purification.	3. On —— next after the morrow of the Purification.
4. In eight days of the Purification.	4. On —— next after eight days of the Purification.

EASTER TERM.

1. In fifteen days of Easter.	1. On —— next after fifteen days of Easter.
2. In three weeks after Easter.	2. On —— next after three weeks from the day of Easter.
3. In one month after Easter.	3. On —— next after one month from the day of Easter.
4. In five weeks from Easter-day.	4. On —— next after five weeks from the day of Easter.
5. On the morrow of the Ascension.	5. On —— next after the morrow of the Ascension.

TRINITY TERM.

1. On the morrow of the holy Trinity.	1. On —— next after the morrow of the holy Trinity.
2. In eight days of the holy Trinity.	2. On —— next after eight days of the holy Trinity.
3. In fifteen days of the holy Trinity.	3. On —— next after fifteen days of the holy Trinity.
4. In three weeks after the holy Trinity.	4. On —— next after three weeks of the holy Trinity.

MICHAELMAS TERM.

1. On the morrow of All Souls.	1. On —— next after the morrow of All Souls.
2. On the morrow of Saint Martin.	2. On —— next after the morrow of Saint Martin.
3. In eight days of Saint Martin.	3. On —— next after eight days of Saint Martin.
4. In fifteen days of Saint Martin.	4. On —— next after fifteen days of Saint Martin.

In the King's Bench.

Affidavit of debt, for money lent.

A. B. of ——*, maketh oath and ſaith, that *C. D.* is juſtly and truly indebted to this deponent in the ſum of —— *l.* for money lent and advanced by this deponent to the ſaid *C. D.* and at his requeſt: And this deponent further ſaith, that no offer has been made to pay the ſaid ſum of —— *l.* or any part thereof, in any note or notes of the Governor and Company of the Bank of *England*, expreſſed to be payable on demand.

A. B.

Sworn at the bill of *Middleſex* office, (or king's bench office, or filacer's office, as the caſe may be,) this —— day of —— 179—, before —— (the officer's name). Or if in the country, "at ——, the —— day of —— 179—, before —— a commiſſioner."

If the plaintiff be a Quaker, his affirmation is as follows, *viz.*

Affirmation of a quaker.

A. B. of, *&c.* (being one of the people called Quakers) ſolemnly affirms, that *C. D.* is juſtly indebted to this affirmant in the ſum of —— *l.* for money lent and advanced by this affirmant to the ſaid *C. D.* at his requeſt.

If the perſon who makes the affidavit be the wife or ſervant of the plaintiff, the affidavit is in the following form:

Affidavit of debt by a wife or ſervant.

E. F. wife of *A. B.* of, *&c.* (or *E. F.* of, *&c.* ſervant to *A. B.*) maketh oath and ſaith, that *C. D.*

* By rule of Mich. 15 *Car.* II. the true place of abode and addition of every perſon making an affidavit in this court, muſt be inſerted therein.

is

is juſtly and truly indebted to the ſaid *A. B.* in the ſum of —— *l.* for money lent and advanced by the ſaid *A. B.* to the ſaid *C. D.* at his requeſt.

For money paid, laid out, and expended by this deponent for the ſaid *C. D.* at his requeſt. — For money paid.

For money had and received by the ſaid *C. D.* to and for the uſe of this deponent. — Money had and received.

For money lent and advanced, and paid, laid out, and expended by this deponent to and for the uſe of the ſaid *C. D.* and at his requeſt, and for other money had and received by the ſaid *C. D.* to and for the uſe of this deponent. — Money lent, laid out, and had and received.

For money due and payable from the ſaid *C. D.* to this deponent, for intereſt upon and for the forbearance of divers large ſums of money, lent and advanced by this deponent to the ſaid *C. D.* (or due and payable from the ſaid *C. D.* to this deponent,) and by this deponent forborne, for divers long ſpaces of time now elapſed, at the requeſt of the ſaid *C. D.* — Intereſt of money.

For ſo much money due from the ſaid *C. D.* to this deponent, upon the balance of an account ſtated and ſettled between this deponent and the ſaid *C. D.* — Account ſtated.

For work and labour, done and performed by this deponent for the ſaid *C. D.* and at his requeſt. — Work and labour.

For work and labour, done and performed by this deponent and his ſervants, and with his horſes, carts, — The like, by plaintiff and his ſervants, with horſes, &c.

carts, and carriages, for the ſaid *C. D.* and at his requeſt.

For work and labour, and materials.

For work and labour done and performed, and materials found and provided, by this deponent for the ſaid *C. D.* and at his requeſt.

Servant's wages.

For wages due and payable from the ſaid *C. D.* to this deponent, for the ſervice of this deponent, done and performed as the hired ſervant of the ſaid *C. D.* and on his retainer.

Work and labour as a ſurveyor.

For work and labour, done and performed by this deponent, as a ſurveyor, in and about the drawing of divers plans, elevations, and ſections of buildings, and the ſurveying and ſuperintending the erection thereof, and in and about the admeaſurement and valuation of certain works, and the payment of certain workmen's bills, for the ſaid *C. D.* and in and about other the buſineſs of the ſaid *C. D.* and at his requeſt.

The like, as a ſurgeon and apothecary.

For work and labour, care, diligence and attendance, done performed and beſtowed by this deponent, as a ſurgeon and apothecary, for the ſaid *C. D.* and at his requeſt, in and about the healing and curing of the ſaid *C. D.* (and divers other perſons) of divers diſeaſes, diſorders and maladies, under which they had reſpectively laboured and languiſhed; and for divers medicines and other neceſſary things, found and provided, adminiſtered, delivered and applied by this deponent on thoſe occaſions, for the ſaid *C. D.* and at his like requeſt.

For

For work and labour, care, diligence and attendance, done performed and beſtowed by this deponent, as the attorney and ſolicitor of and for the ſaid *C. D.* and on his retainer, in and about the proſecuting, defending, and ſoliciting of divers cauſes, ſuits, and buſineſſes for the ſaid *C. D.* and for certain fees due and of right payable to this deponent in reſpect thereof.

The like, as an attorney, and for fees, where a ſuit is carried on.

For work and labour, care, diligence and attendance, done performed and beſtowed by this deponent, in and about the drawing, copying, and engroſſing of divers deeds and writings for the ſaid *C. D.* and in and about other the buſineſs of the ſaid *C. D.* and at his requeſt.

The like, for drawing deeds, &c.

For goods (or a horſe, *&c.*) ſold and delivered by this deponent to the ſaid *C. D.* and at his requeſt.

For goods, &c. ſold and delivered.

For goods bargained and ſold by this deponent to the ſaid *C. D.* and by virtue of that bargain and ſale delivered to one *E. F.* at the requeſt of the ſaid *C. D.*

Goods bargained and ſold to defendant, and delivered to a third perſon.

For ſo much money, which the ſaid *C. D.* promiſed and agreed to pay to this deponent, together with a certain horſe of him the ſaid *C. D.* in exchange for a certain horſe of this deponent.

For money agreed to be paid on an exchange of horſes.

For meat, drink, waſhing, lodging, and other neceſſaries, found and provided by this deponent for the ſaid *C. D.* and at his requeſt.

Neceſſaries found and provided.

For divers medicines and other neceſſary things, found and provided, adminiſtered, delivered and ap-

Medicines, &c.

plied by this deponent, as an apothecary, for the ſaid *C. D.* (and divers other perſons) at his requeſt.

Hire of horſes, &c.

For the uſe and hire of divers horſes mares and geldings, and of divers chaiſes and other carriages, (or of certain lighters and other veſſels, or of certain houſehold goods and furniture,) let to hire and delivered by this deponent to the ſaid *C. D.* and at his requeſt.

Horſemeat, &c.

For horſemeat, ſtabling, care, and attendance, found provided and beſtowed by this deponent, for in and about the feeding and keeping of divers horſes, mares, and geldings, for the ſaid *C. D.* at his requeſt.

Agiſtment of cattle.

For the agiſting, depaſturing and keeping of divers cattle, by this deponent for the ſaid *C. D.* and at his requeſt.

Freight, &c.

For freight, primage, and average, due and payable from the ſaid *C. D.* to this deponent, upon for and in reſpect of certain goods, carried and conveyed by this deponent, in and on board of a certain ſhip or veſſel, for the ſaid *C. D.* and at his requeſt.

Demurrage.

For the uſe of a certain ſhip or veſſel of this deponent, (or whereof this deponent is maſter,) retained and kept by the ſaid *C. D.* with certain goods and merchandizes aboard thereof on demurrage, for a long ſpace of time now elapſed, at the requeſt of the ſaid *C. D.*

For

For the lighterage of certain goods, carried and conveyed in certain lighters and other veſſels of this deponent, for the ſaid *C. D.* and at his requeſt. Lighterage.

For a certain meſſuage or tenement and premiſes with the appurtenances, of this deponent, by him bargained ſold and releaſed to the ſaid *C. D.* at his requeſt. Freehold premiſes bargained and ſold.

For certain meſſuages, *&c.* of this deponent, by him bargained ſold and ſurrendered to the ſaid *C. D.* at his requeſt. Copyhold premiſes ſurrendered.

For certain meſſuages, *&c.* of this deponent, by him bargained ſold and aſſigned to the ſaid *C. D.* at his requeſt, for the remainder of a certain term of years therein. Leaſehold premiſes aſſigned.

For the uſe and occupation of a certain dwelling-houſe, (or of a certain dwelling-houſe, farm, and lands,) with the appurtenances, of this deponent, held and enjoyed by the ſaid *C. D.* as tenant thereof to this deponent, for —— now elapſed, Uſe and occupation of a houſe, &c.

For the uſe and occupation of divers rooms and apartments, in and parcel of a certain dwelling-houſe of this deponent, held and enjoyed by the ſaid *C. D.* as tenant thereof to this deponent, for —— now elapſed, The like, of rooms.

On a promiſſory note, drawn by the ſaid *C. D.* payable to this deponent, on demand (or at a certain day now paſt). On a promiſſory note, payee againſt drawer.

Indorſee againſt drawer.

As indorſee of a promiſſory note, drawn by the ſaid *C. D.* payable to one *E. F.* or order, at a certain day now paſt, and by him indorſed to this deponent.

On a bill of exchange, payee againſt acceptor.

On a bill of exchange, drawn by one *E. F.* upon, and accepted by the ſaid *C. D.* payable to this deponent, at a certain day now paſt.

Payee againſt drawer.

On a bill of exchange drawn by the ſaid *C. D.* upon one *E. F.* and payable to this deponent, at a certain day now paſt.

Indorſee againſt acceptor.

As indorſee of a bill of exchange, drawn by one *E. F.* upon and accepted by the ſaid *C. D.* payable to the ſaid *E. F.* or his order, at a certain day now paſt, and by him the ſaid *E. F.* indorſed to this deponent.

Indorſee againſt drawer.

As indorſee of a bill of exchange, drawn by the ſaid *C. D.* on one *E. F.* payable to the order of the ſaid *C. D.* at a certain day now paſt, and by him the ſaid *C. D.* indorſed to this deponent.

On a money-bond.

For principal and intereſt due on a bond, bearing date, *&c.* and made and entered into by the ſaid *C. D.* to this deponent, in the penal ſum of —— *l.* conditioned for the payment of —— *l.* and intereſt, at a certain day now paſt.

On an annuity-bond.

For the arrears of a certain annuity, due to this deponent, upon and by virtue of a bond, bearing date, *&c.* and made and entered into by the ſaid

C. D. to this deponent, in the penal ſum of —— *l.* conditioned for the payment of the ſum of —— *l.* a-year to this deponent, by the ſaid *C. D.* during the life of the ſaid *C. D.*

By the aſſignee of a bond.

—— indebted to *E. F.* in truſt for this deponent, in the ſum of —— *l.* for principal and intereſt due on a bond, bearing date, *&c.* and made and entered into by the ſaid *C. D.* to the ſaid *E. F.* in the penal ſum, *&c.* and which bond hath been ſince duly aſſigned by the ſaid *E. F.* to this deponent.

The like, another way.

A. B. of, *&c.* and *C. D.* of, *&c.* ſeverally make oath and ſay; and firſt, this deponent *A. B.* for himſelf ſaith, that *E. F.* did by his bond, bearing date, *&c.* become bound unto this deponent in the penal ſum of —— *l.* conditioned for the payment of the ſum of —— *l.* and intereſt, at a certain day now paſt; and this deponent further ſaith, that he did by indenture, bearing date, *&c.* for a good and valuable conſideration, aſſign, transfer, and ſet over unto the ſaid *C. D.* the ſaid bond, and all monies due and to grow due thereon; and that he this deponent hath not received the ſaid ſum of —— *l.* and intereſt, or any part thereof, either before or ſince the ſaid aſſignment: And this deponent *C. D.* for himſelf ſaith, that the ſaid *E. F.* is juſtly indebted unto the ſaid *A. B.* in truſt for this deponent, as aſſignee as aforeſaid, in the ſum of —— *l.* for principal and intereſt due on the ſaid bond.

For costs on an order of *nisi prius*, made a rule of court.

A. B. of, *&c.* maketh oath and saith, that by an order made at the assizes held at —— in and for the county of ——, on —— the —— day of —— 179—, before the honourable ——, one of the barons of his majesty's court of Exchequer, and ——, one of the justices of his majesty's court of Common Pleas at *Westminster*, justices appointed to hold the assizes in and for the said county of ——, in a certain cause then depending in his majesty's court of King's Bench at *Westminster*, wherein this deponent was plaintiff and *C. D.* was defendant, it was ordered, that the trial of the said cause should be put off until the then next assizes, on payment of costs by the said *C. D.*; and that the said order should be made a rule of his said majesty's court of King's Bench, if the justices of the same court should so please: And this deponent further saith, that the said order hath been since made a rule of his said majesty's court of King's Bench, and that the costs of this deponent have been taxed thereon, at the sum of —— *l.* and that the said *C. D.* is justly and truly indebted unto this deponent in the said sum of —— *l.* for the costs aforesaid, upon and by virtue of the said first-mentioned order.

On a judgment.

Upon and by virtue of a judgment of this honourable court, (or of the court of ——,) for the said sum of —— *l.* recovered by this deponent, against the said *C. D.* in —— term last past.

The like, on a *devastavit* returned against an administrator.

By virtue of a certain judgment, recovered by this deponent, in this honourable court, against the

ſaid *C. D.* as adminiſtrator of *E. F.* deceaſed, in —— term laſt paſt; and that the ſheriff of —— to a writ of *fieri facias* iſſued upon the ſaid judgment, hath returned *nulla bona*, and a *devaſtavit* by the ſaid *C. D.* of the effects of the ſaid *E. F.* deceaſed, to the amount of the ſaid ſum of —— *l.* (ſum ſworn to).

For penalties on the lottery act.

A. B. of, *&c.* maketh oath and ſaith, that *C. D.* did, on the —— day of —— laſt paſt, receive of *E. F.* divers ſums of money, in conſideration whereof he the ſaid *C. D.* agreed to repay to the ſaid *E. F.* divers other ſums of money, on certain chances and events, relative to the drawing of certain tickets in a certain *Engliſh* lottery eſtabliſhed by act of parliament, contrary to the form of the ſtatute in ſuch caſe made and provided; and the ſaid *C. D.* hath thereby incurred two pecuniary penalties of 50*l.* each: And that this deponent intends forthwith to commence an action in this honourable court, againſt the ſaid *C. D.* for the recovery of the ſaid penalties.

By one of ſeveral partners, for goods ſold.

A. B. of, *&c.* maketh oath and ſaith, that *C. D.* is juſtly and truly indebted to this deponent and *E. F.* in the ſum of —— *l.* for goods ſold and delivered by this deponent and the ſaid *E. F.* to the ſaid *C. D.* and at his requeſt.

By a ſurviving partner, for goods ſold.

For goods ſold and delivered by this deponent and one *E. F.* in his lifetime, now deceaſed, and whom this deponent hath ſurvived, to the ſaid *C. D.* and at his requeſt.

E. the

By baron and feme, for work and labour, and materials.

E. the wife of *A. B.* of, *&c.* maketh oath and ſaith, that *C. D.* is juſtly and truly indebted to the ſaid *A. B.* and this deponent, in the ſum of —— *l.* for work and labour done and performed, and materials found and provided, by this deponent, before her intermarriage with the ſaid *A. B.* for the ſaid *C. D.* and at his requeſt.

The like, on a bond, for the arrears of an annuity.

E. the wife of *A. B.* of, *&c.* maketh oath and ſaith, that *C. D.* is juſtly and truly indebted to the ſaid *A. B.* and this deponent his wife, in the ſum of —— *l.* for the arrears of a certain annuity or yearly ſum of —— *l.* upon and by virtue of a certain bond, bearing date, *&c.* and made and entered into by the ſaid *C. D.* to this deponent, whilſt ſhe was ſole and unmarried, in the penal ſum of —— *l.* conditioned for the payment to this deponent of the ſaid annuity or yearly ſum of —— *l.* free from all deductions and abatements whatſoever, for and during the term of the natural lives of the ſaid *C. D.* and *G. H.* and the life of the longeſt liver of them.

By the aſſignees of a bankrupt, for goods ſold.

A. B. of, *&c.* maketh oath and ſaith, that *C. D.* is juſtly and truly indebted to this deponent and one *B. C.* as aſſignees of the eſtate and effects of *E. F.* a bankrupt, in the ſum of —— *l.* for goods ſold and delivered by the ſaid *E. F.* before he became bankrupt, to the ſaid *C. D.* and at his requeſt, as appears by the books of account of the ſaid *E. F.* in the poſſeſſion of this deponent and the ſaid *B. C.* and as he this deponent verily believes.

The like, on a bond aſſigned to the bankrupt.

A. B. of, *&c.* one of the aſſignees of the eſtate and effects of *E. F.* a bankrupt, maketh oath and ſaith,

ſaith, that *G. H.* did by his bond, bearing date, *&c.* become bound to *J. K.* in the ſum of —— *l.* conditioned for the payment of —— *l.* and intereſt, at a certain day now paſt: And this deponent further ſaith, that the ſaid *J. K.* did, by indenture bearing date, *&c.* for a good and valuable conſideration, aſſign, transfer, and ſet over the ſaid bond, and all monies due and to grow due thereon, to the ſaid *E. F.* who hath ſince become bankrupt; and that he this deponent and *C. D.* are aſſignees of the eſtate and effects of the ſaid *E. F.*: And this deponent further ſaith, that the ſaid *G. H.* paid to the ſaid *E. F.* before he became bankrupt, the ſum of —— *l.* in part of the money due on the ſaid bond, by the condition thereof, but that the ſaid *G. H.* hath not paid the reſidue thereof, either to this deponent, or, as he believes, to the ſaid *J. K.* or the ſaid *E. F.* or the ſaid *C. D.*; and that there is now due and owing on the ſaid bond, by the condition thereof, the ſum of —— *l.* for principal and intereſt, in which ſum the ſaid *G. H.* is now juſtly and truly indebted unto this deponent and the ſaid *C. D.* as aſſignees as aforeſaid.

By a ſurviving aſſignee, on a judgment.

A. B. of, *&c.* who hath ſurvived *B. C.*, which ſaid *A. B.* and *B. C.* in the life-time of the ſaid *B. C.* were aſſignees of the eſtate and effects of *E. F.* a bankrupt, according to the force form and effect of the ſeveral ſtatutes concerning bankrupts, maketh oath and ſaith, that *C. D.* is juſtly and truly indebted to this deponent, as ſurviving aſſignee as aforeſaid, in the ſum of —— *l.* upon and by virtue of a judgment of this honourable court, for the ſaid

ſaid ſum of —— *l.* recovered by this deponent, as ſurviving aſſignee as aforeſaid, againſt the ſaid *C. D.*

By an executor, for goods ſold.

A. B. of, *&c.* executor of the laſt will and teſtament of *E. F.* deceaſed, maketh oath and ſaith, that *C. D.* is juſtly and truly indebted to this deponent, as executor as aforeſaid, in the ſum of —— *l.* for goods ſold and delivered by the ſaid *E. F.* in his lifetime to the ſaid *C. D.* as appears by the books of the ſaid *E. F.* and as he this deponent verily believes.

By executors, on a judgment recovered by the teſtator.

A. B. of, *&c.* one of the executors of the laſt will and teſtament of *E. F.* deceaſed, maketh oath and ſaith, that *C. D.* is juſtly and truly indebted unto this deponent and *G. H.* as executors of the laſt will and teſtament of the ſaid *E. F.* in the ſum of —— *l.* upon and by virtue of a judgment of this honourable court, for the ſaid ſum of —— *l.* recovered by the ſaid *E. F.* in his lifetime againſt the ſaid *C. D.*; and which ſaid judgment is ſtill in full force and unſatisfied, as appears by the record of the ſaid judgment, and as he this deponent verily believes.

In detinue.

That *C. D.* has in his poſſeſſion, and unjuſtly detains from this deponent, a certain indenture of leaſe of this deponent, bearing date, *&c.* and made between the ſaid *C. D.* of the one part, and this deponent of the other part, and which ſaid indenture is of the value of ——*l.* and upwards to this deponent, who hath demanded the ſame.

That

That *C. D.* hath poſſeſſed himſelf of divers goods and chattels of this deponent, of the value of —— *l.* which he hath refuſed to deliver to this deponent, and hath converted the ſame to his own uſe. — In trover, for goods.

That *C. D.* hath poſſeſſed himſelf of a certain promiſſory note of this deponent, bearing date, *&c.* whereby one *E. F.* promiſed to pay —— after the date thereof, to this deponent or order, —— *l.* for value received, which ſaid note is ſtill unpaid; and the ſaid *C. D.* hath refuſed to deliver the ſaid note to this deponent, and hath converted the ſame to his own uſe. — The like, for a promiſſory note.

That *C. D.* hath poſſeſſed himſelf of a certain bond or writing obligatory of this deponent, bearing date, *&c.* and made and entered into by one *E. F.* to this deponent, in the penal ſum of —— *l.* conditioned for the payment of —— *l.* and intereſt as therein mentioned, which ſaid bond or writing obligatory is ſtill wholly unſatisfied; and the ſaid *C. D.* hath refuſed to deliver the ſaid bond or writing obligatory to this deponent, and hath converted the ſame to his own uſe. — The like, for a bond.

That *C. D.* hath poſſeſſed himſelf of divers deeds and writings of this deponent, of the value of —— *l.* which the ſaid *C. D.* hath refuſed to deliver to this deponent, and hath converted the ſame to his own uſe. — The like, for deeds, &c.

A. B. of, *&c.* late a mariner on board the ſhip ——, whereof *C. D.* was maſter and commander, and *E. F.* of, *&c.* late carpenter on board the ſaid ſhip, ſeverally make — For an aſſault on board a ſhip.

make oath and ſay; and firſt this deponent *A. B.* for himſelf ſaith, that on or about the —— day of —— laſt, whilſt the ſaid ſhip was lying in the harbour of ——, the ſaid *C. D.* came into the ſteerage of the ſaid ſhip, where this deponent then was, and without any provocation whatever laid hold of this deponent by the collar, and with great force and violence knocked him down, *&c.* (here deſcribe the circumſtances of the aſſault): And this deponent *E. F.* for himſelf ſaith, that he was preſent at the time when the ſaid *C. D.* ſo came into the ſteerage of the ſaid ſhip as aforeſaid, and did ſee the ſaid *C. D.* aſſault and ill-treat the ſaid *A. B.* in manner by him above ſet forth; and that he this deponent did not hear or ſee the ſaid *A. B.* ſay or do any thing to the ſaid *C. D.* to merit or deſerve ſuch ill-treatment: And this deponent *A. B.* for himſelf further ſaith, that he hath been informed and verily believes that the ſaid *C. D.* is a perſon in good circumſtances, and well able to make this deponent ſatisfaction for the ſaid ill-treatment; and he hath alſo been informed and verily believes that the ſaid *C. D.* will ſoon depart this realm; and that unleſs he ſhall be held to bail, this deponent may be deprived of that remedy to which he thinks himſelf entitled by the laws of this country.

Præcipe for bailable bill of Middleſex.

Middleſex, (to wit). Bill for *A. B.* againſt *C. D.* *Caſe* for —— *l.* on promiſes, (or as the action is,) returnable on —— next after ——.

E. F. attorney,

——179—.

Oath for —— *l.* by affidavit filed.

Middleſex,

Bailable bill of Middleſex.

Middleſex, (to wit). The ſheriff is commanded to take *C. D.* and *Richard Roe*, if they ſhall be found in his bailiwick, and them ſafely keep, ſo that he may have their bodies before the lord the king at *Weſtminſter*, on —— next after ——, to anſwer *A. B.* of a plea of treſpaſs, and alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for ——*l.* upon promiſes, according to the cuſtom of the court of the ſaid lord the king, before the king himſelf; and that he have there then this precept.

By bill. *Way.*

Indorſement thereon.

Bail by affidavit for ——*l.*
E. F. Temple,
——179—.

Ac etiam in aſſumpſit, at the ſuit of executors.

And alſo to a bill of the ſaid *A.* and *B.* as executors of the laſt will and teſtament of *E. F.* deceaſed, to be exhibited againſt the ſaid *C. D.* for ——*l.* upon promiſes, according, *&c.*

The like, at the ſuit of adminiſtrators.

And alſo to a bill of the ſaid *A.* and *B.* as adminiſtrators of all and ſingular the goods, chattels, and credits, which were of *E. F.* deceaſed, at the time of his death, who died inteſtate, to be exhibited againſt the ſaid *C. D.* for ——*l.* upon promiſes, according, *&c.*

The like, at the ſuit of aſſignees of a bankrupt.

And alſo to a bill of the ſaid *A.* and *B.* as aſſignees of the eſtate and effects of *E. F.* a bankrupt, according to the force, form, and effect of the ſeveral ſtatutes concerning bankrupts, to be exhibited againſt the ſaid *C. D.* for ——*l.* upon promiſes, according, *&c.*

And

In covenant. And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for breach of covenant, to the damage of the ſaid *A. B.* of —— *l.* according, *&c.*

In debt on bond; &c. And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for —— *l.* debt, according, *&c.*

In debt on recognizance. And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* in a plea of debt on recognizance, according, *&c.*

In debt on ſtatute. And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for —— *l.* in debt on ſtatute, according, *&c.*

In detinue. And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for detaining the goods and chattels (or "deeds and writings") of the ſaid *A. B.* to the value of —— *l.* according, *&c.*

In trover. And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for converting and diſpoſing of the goods and chattels of the ſaid *A. B.* to the value of —— *l.* according, *&c.*

In treſpaſs, *de bonis aſportatis.* And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for taking and carrying away the goods and chattels of the ſaid *A. B.* to his damage of —— *l.* according, *&c.*

In treſpaſs and aſſault. And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for a certain treſpaſs and aſſault,

fault, committed by the ſaid *C. D.* on the ſaid *A. B.* to his damage of —— *l.* according, *&c.*

And alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for aſſaulting, and having criminal converſation with *E.* the wife of the ſaid *A. B.* to his damage of —— *l.* according, *&c.* In crim. con.

Middleſex, (to wit). *Alias* (or *pluries*) bill for *A. B.* againſt *C. D.* Caſe for —— *l.* on promiſes, (or as the action is,) returnable on —— next after ——. *Præcipe* for *alias* or *pluries* bill of Middleſex bailable.

E. F. attorney.

—— 179—.

Oath for —— *l.* by affidavit filed.

Middleſex, (to wit). The ſheriff is commanded, as before he was (or "as oftentimes before he hath been") commanded, to take *C. D.* and *Richard Roe*, *&c.* (as in the bill of *Middleſex*, altering the return). *Alias* or *pluries* bill of Middleſex bailable.

Middleſex, (to wit). *Non omittas* bill for *A. B.* againſt *C. D.* Caſe for —— *l.* on promiſes, (or as the action is,) returnable, *&c.* *Præcipe* for *non omittas* bill of Middleſex.

E. F. attorney.

—— 179—.

Oath for —— *l.* by affidavit filed.

Middleſex, (to wit). The ſheriff is commanded, that he omit not by reaſon of any liberty in his county, but that he enter the ſame, and take *C. D.* and *Richard Roe*, if they ſhall be found in his bailiwick, and them ſafely keep, ſo that he may *Non omittas* bill of Middleſex.

have their bodies before the lord the king at *Weſtminſter*, on —— next after ——, to anſwer *A. B.* of a plea of treſpaſs, and alſo to a bill, &c. (as before).

By bill. *Way.*

Indorſement as before, p. 31.

Præcipe for bailable *latitat.*

——, (to wit). *Latitat* for *A. B.* againſt *C. D.* Caſe for —— *l.* on promiſes, returnable on —— next after ——.

E. F. attorney.

—— 179—.

Oath for —— *l.* by affidavit filed.

Bailable *latitat.*

George the Third, &c. To the ſheriff of ——, greeting: Whereas we lately commanded our ſheriff of *Middleſex*, that he ſhould take *C. D.* and *Richard Roe*, if they ſhould be found in his bailiwick, and them ſafely keep, ſo that he might have their bodies before us at *Weſtminſter*, at a certain day now paſt, to anſwer *A. B.* of a plea of treſpaſs, and alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for —— *l.* upon promiſes, according to the cuſtom of our court before us; and our ſaid ſheriff of *Middleſex* at that day returned to us, that the ſaid *C. D.* and *Richard Roe* were not found in his bailiwick; whereupon, on behalf of the ſaid *A. B.*, it is ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* and *Richard Roe* do run up and down, and ſecrete themſelves in your county: Therefore we command you, that you take them, if they ſhall be found in your bailiwick, and

ſafely

safely keep them, so that you may have their bodies before us at *Westminster*, on —— next after ——, to answer the said *A. B.* of the plea and to the bill aforesaid; and have there then this writ. Witness *Lloyd* Lord *Kenyon* at *Westminster*, the —— day of —— in the —— year of our reign.

Way.

Indorsement thereon.

Bail by affidavit for —— *l.*

E. F. Temple,

Plaintiff's attorney (or agent),

—— 179—.

Præcipe for *alias* or *pluriet capias* bailable.

——, (to wit). *Alias* (or *pluries*) *capias* for *A. B.* against *C. D.* Case for —— *l.* on promises, (or as the action is,) returnable on —— next after ——.

E. F. attorney.

—— 179—.

Oath for —— *l.* by affidavit filed.

Alias or *pluriet capias* bailable.

George the Third, *&c.* To the sheriff of ——, greeting: We command you, as before (or "as oftentimes before") we have commanded you, that you take *C. D.* and *Richard Roe*, if they shall be found in your bailiwick, and them safely keep, so that you may have their bodies before us at *Westminster*, on —— next after ——, to answer *A. B.* of a plea of trespass, and also to a bill of the said *A. B.* against the said *C. D.* for —— *l.* upon promises, according to the custom of our court before us to be exhibited; and have there then this writ. Witness, *&c.*

Præcipe for non omittas capias bailable.

——, (to wit). *Non omittas capias* for *A. B.* againſt *C. D.* Caſe for —— *l.* on promiſes, (or as the action is,) returnable, *&c.*

E. F. attorney.

—— 179—.

Oath for —— *l.* by affidavit filed.

Non omittas capias bailable.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you omit not by reaſon of any liberty in your county, but that you enter the ſame, and take *C. D.* and *Richard Roe*, &c. (as in the *alias* or *pluries capias*).

Præcipe for *latitat* into a county-palatine.

County-palatine of ——, (to wit). *Latitat* for *A. B.* againſt *C. D.* &c. (as for a common *latitat*).

Latitat into a county-palatine. For the direction of this writ, *vide ante*, p. 13, 14.

George the Third, *&c.* To —— greeting: Whereas we lately commanded our ſheriff of *Middleſex*, that he ſhould take *C. D.* and *Richard Roe*, if they ſhould be found in his bailiwick, and them ſafely keep, ſo that he might have their bodies before us at *Weſtminſter*, at a certain day now paſt, to anſwer *A. B.* of a plea of treſpaſs, and alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for —— *l.* upon promiſes, according to the cuſtom of our court before us; and our ſaid ſheriff of *Middleſex* at that day returned to us, that the ſaid *C. D.* and *Richard Roe* were not found in his bailiwick; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* and *Richard Roe* do run up and down, and ſecrete themſelves in our ſaid county-palatine of ——: There-

——: Therefore we command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and to be directed to the ſheriff of our ſaid county-palatine, you command the ſaid ſheriff, (or, if in *Durham*, that by our writ under the ſeal of your biſhoprick, to be duly made and directed to the ſheriff of the county of *Durham*, you cauſe the ſaid ſheriff to be commanded,) that he take the ſaid *C. D.* and *Richard Roe*, if they ſhall be found in his bailiwick, and them ſafely keep, ſo that he may have their bodies before us at *Weſtminſter*, on —— next after ——, to anſwer the ſaid *A. B.* of the plea and to the bill aforeſaid; and have there then this writ. Witneſs, *&c.*

As yet of —— term in the —— year of the reign of king *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

Entry of a bill of Middleſex on the roll, to ſave the ſtatute of limitations, and award of *alias*.

Middleſex, (to wit). The ſheriff is commanded that he take *C. D.* and *Richard Roe*, if they ſhall be found in his bailiwick, and them ſafely keep, ſo that he may have their bodies before the lord the king at *Weſtminſter*, on —— next after ——, to anſwer *A. B.* of a plea of treſpaſs; and that the ſaid ſheriff have there then this precept.

By bill. *Way.*

At which day, before our lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon, and offers himſelf againſt the ſaid *C. D.* and *Richard Roe* in the plea aforeſaid; and the ſheriff, to wit,

—— and —— ſheriff of *Middleſex* aforeſaid, now here returns, that the ſaid *C. D.* and *Richard Roe* are not, nor is either of them, found in his bailiwick; and the ſaid *C. D.* and *Richard Roe* do not come. Therefore, as before, the ſaid ſheriff is commanded, that he take the ſaid *C. D.* and *Richard Roe* if, &c. and them ſafely keep, ſo that he may have their bodies before our ſaid lord the king at *Weſtminſter*, on —— next after ——, to anſwer to the ſaid *A. B.* of the plea aforeſaid: The ſame day is given to the ſaid *A. B.* there, &c.

Award of *alias.*

Docket paper.

Middleſex, (to wit). Entry of bill of *Middleſex* between *A. B.* plaintiff and *C. D.* defendant, returnable on, &c. Roll ——.

Entry of *latitat*, and award of *alias* and *pluries capias.*

As yet of —— term in the —— year of the reign of king *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

England, (to wit). Our lord the king ſent to his ſheriff of —— his writ cloſe in theſe words, to wit, *George* the Third, &c. (here copy the *latitat*). At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon, and offers himſelf againſt the ſaid *C. D.* in the plea aforeſaid; and the ſheriff, to wit, —— ſheriff of —— aforeſaid, now here returns, that the ſaid *C. D.* is not found in his bailiwick; and the ſaid *C. D.* does not come: Therefore, as before, the ſaid ſheriff is commanded, that he take the ſaid *C. D.* if he ſhall

Award of *alias.*

be found in his bailiwick, and him ſafely keep, ſo that he may have his body before our ſaid lord the king at *Weſtminſter*, on —— next after ——, to anſwer the ſaid *A. B.* of the plea aforeſaid; the ſame day is given to the ſaid *A. B.* there, *&c.* At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon, and offers himſelf againſt the ſaid *C. D.* in the plea aforeſaid; and the ſheriff of —— aforeſaid hath not ſent the writ of our ſaid lord the king to him in that behalf directed, nor hath he done any thing thereupon: Therefore the ſaid ſheriff is commanded (as oftentimes before he hath been commanded) that he take the ſaid *C. D.* if he ſhall be found in his bailiwick, and him ſafely keep, ſo that he may have his body before our ſaid lord the king at *Weſtminſter*, on —— next after ——, to anſwer the ſaid *A. B.* of the plea aforeſaid; the ſame day is given to the ſaid *A. B.* there, *&c.*

Continuance by *vicecomes non miſit breve.*

Award of *pluries.*

Præcipe for attachment of privilege, not bailable.

——. Attachment of privilege for *A. B.* gentleman, one, *&c.* againſt *C. D.* returnable on —— next after ——.

A. B. in perſon.

—— 179—.

Attachment of privilege, not bailable.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you attach *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after ——, to anſwer *A. B.* gentleman, one of the attornies of our court before us, according to the liberties and privileges of the ſaid court, for ſuch attornies and other officers of the court aforeſaid, from time immemorial uſed and approved of in the ſame court, of a plea of treſpaſs; and have there then this writ. Witneſs *Lloyd* Lord *Kenyon*, at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Way.

Præcipe for a bailable attachment of privilege.

——. Attachment of privilege for *A. B.* gentleman, one, *&c.* againſt *C. D.* Caſe for —— *l.* on promiſes, (or as the action is,) returnable on —— next after ——.

A. B. in perſon.

—— 179—.

Oath for —— *l.* by affidavit filed.

Attachment of privilege bailable.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you attach *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep,

keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after ——, to anſwer *A. B.* gentleman, one of the attornies of our court, &c. (as before,) of a plea of treſpaſs, and alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for —— *l.* upon promiſes, (or as the action is,) according to the cuſtom of our court before us; and have there then this writ. Witneſs *Lloyd* Lord *Kenyon*, at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Way.

Bail by affidavit for —— *l.*
A. B. in perſon.
—— 179—.

Indorſement thereon.

George the Third, &c. To ——, greeting: We command you, that by our writ under the ſeal of our ſaid county-palatine, to be duly made, and to be directed to the ſheriff of the ſame county, you command the ſaid ſheriff, that he attach *C. D.* and *Richard Roe*, if they ſhall be found in his bailiwick, and them ſafely keep, ſo that he may have their bodies before us at *Weſtminſter*, on —— next after ——, to anſwer *A. B.* gentleman, one of the attornies, &c. (as before).

Attachment of privilege into a county-palatine.

As yet of —— term in the —— year of the reign of king *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

England, (to wit). Our lord the king ſent to his ſheriff of —— his writ cloſe in theſe words, to wit, *George* the Third, &c. (here copy the attachment of privilege, and then proceed as follows).

Entry of attachment of privilege on the roll, to ſave the ſtatute.

At

At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon, and offers himſelf againſt the ſaid *C. D.* in the plea aforeſaid; and the ſheriff, to wit, —— ſheriff of the ſaid county of ——, now here returns, that the ſaid *C. D.* is not found in his bailiwick.

Præcipe for an original writ in caſe.

——, (to wit). If *A. B.* make you ſecure, *&c.* then put by gages and ſafe pledges, *C. D.* late of ——, that he be before our lord the king, on ——, whereſoever our ſaid lord the king ſhall then be in *England*, to ſhew, For that whereas, *&c.* (here ſet out the cauſe of action, as in a declaration,) to the damage of the ſaid *A. B.* of —— *l.* as it is ſaid, *&c.*

Original writ thereon.

George the Third, by the grace of God, of *Great Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, to the ſheriff of ——, greeting: If *A. B.* ſhall make you ſecure of proſecuting his claim, then put by gages and ſafe pledges, *C. D.* late of ——, that he be before us, on ——, whereſoever we ſhall then be in *England*, to ſhew, For that whereas, *&c.* (as in the *præcipe*, to the words "as it is ſaid"); and have there the names of the pledges, and this writ. Witneſs ourſelf at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Præcipe for an original writ in covenant.

——, (to wit). Command *C. D.* late of ——, that juſtly and without delay he keep with *A. B.* the covenant (or covenants) made by the ſaid *C. D.* with the ſaid *A. B.* according to the force, form, and effect

effect of a certain indenture, (or deed-poll, or articles of agreement, as the case may be,) in that behalf made between them, as it is said; and unless, &c.

George the Third, &c. To the sheriff of ——, greeting: Command *C. D.* late of ——, that justly and without delay he keep with *A. B.* the covenant (or covenants) made by the said *C. D.* with the said *A. B.* according to the force, form, and effect of a certain indenture, (or deed-poll, or articles of agreement,) in that behalf made between them, as it is said: and unless he shall so do, and if the said *A. B.* shall make you secure of prosecuting his claim, then summon by good summoners the said *C. D.* that he be before us, on ——, wheresoever we shall then be in *England*, to shew wherefore he hath not done it; and have there the names of the summoners, and this writ. Witness ourself at *Westminster*, the —— day of —— in the —— year of our reign. Original writ thereon.

——, (to wit). Command *C. D.* late of ——, that justly and without delay he render to *A. B.* the sum of —— *l.* of good and lawful money of *Great Britain*, which he owes to, and unjustly detains from him, as it is said; and unless, &c. *Præcipe* for an original writ in debt.

George the Third, &c. To the sheriff of ——, greeting: Command *C. D.* late of ——, that justly and without delay he render to *A. B.* the sum of —— *l.* of good and lawful money of *Great Britain*, which he owes to, and unjustly detains from him, as it Original writ thereon.

it is ſaid: and unleſs he ſhall ſo do, and if the ſaid *A. B.* ſhall make you ſecure of proſecuting his claim, then ſummon by good ſummoners the ſaid *C. D.* that he be before us on ——, whereſoever we ſhall then be in *England*, to ſhew wherefore he hath not done it; and have there the names of the ſummoners, and this writ. Witneſs ourſelf at *Weſtminſter*, the —— day of —— in the —— year of our reign.

If the original writ be againſt a peer or member of the Houſe of Commons, deſcribe the defendant by his proper title, adding theſe words, "having privilege of parliament;" or if it be againſt a corporation, inſert their proper ſtyle, as "the mayor and commonalty and citizens of the city of *London*," *&c.*; or if againſt hundredors, call them, "the men inhabiting within the hundred of —— in your county."

Pone or attachment, on an original writ in covenant or debt.

George the Third, *&c.* To the ſheriff of ——, greeting: Put by gages and ſafe pledges *C. D.* late of ——, that he be before us, on ——, whereſoever we ſhall then be in *England*, to anſwer to *A. B.* of a plea that he keep with him the covenant, *&c.* or that he render to him, *&c.* (as in the original writ, to the words "as it is ſaid,") and to ſhew wherefore he was not before us at *Weſtminſter*, on ——, as he was ſummoned; and have there the names of the pledges, and this writ. Witneſs

Witneſs *Lloyd* Lord *Kenyon*, at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Kenyon.

The within-named *C. D.* is attached by pledges, *E. F.* and *G. H.* (or has nothing in my bailiwick, by which he can be attached). Sheriff's return thereto.

George the Third, *&c.* To the ſheriff of ——, greeting: Put by gages and ſafe pledges *C. D.* late of ——, that he be before us on ——, whereſoever we ſhall then be in *England*, to anſwer to *A. B.* of a plea, *&c.* (as in the *pone*, to the words "as it is ſaid"); and whereupon our ſheriff of —— returned to us on, *&c.* (the return of the *pone*) laſt paſt, that the ſaid *C. D.* had nothing in his bailiwick, by which he could be attached: whereas it is teſtified in our ſame court before us, that the ſaid *C. D.* hath ſufficient in your bailiwick, by which he may be attached; and have there the names of the pledges, and this writ. Witneſs *Lloyd* Lord *Kenyon*, at *Weſtminſter*, the —— day of —— in the —— year of our reign. *Teſtatum pone* on attachment.

Kenyon.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you diſtrain *C. D.* late of ——, by all his lands and chattels in your bailiwick, ſo that neither he, nor any one by him, do lay hands on the ſame, until you ſhall receive from us another command in that behalf; and that you anſwer to us for the iſſues of the ſame, ſo that you have his body before us on ——, where- *Diſtringas* on an original writ.

wheresoever we shall then be in *England*, to answer to *A. B.* of a plea, for that whereas, &c. (in case; or in covenant, of a plea that he keep, &c. or in debt, of a plea that he render, &c. as in the original, to the words "as it is said,") and to hear his judgment thereupon of many defaults; and have there this writ. Witness *Lloyd* Lord *Kenyon*, at *Westminster*, the —— day of —— in the —— year of our reign.

Kenyon.

If it be against a peer, or member of the House of Commons, describe the defendant by his proper title, adding these words, "having privilege of parliament;" and instead of saying, "so that you have his body," say, "so that he be, &c."

Alias or *pluries distringas.*

George the Third, &c. To the sheriff of ——, greeting: We command you, as *before* (or as *oftentimes*) we have commanded you, that you distrain, &c.

Testatum distringas.

George the Third, &c. To the sheriff of ——, greeting: We command you, that you distrain *C. D.* late of, &c. (as in the *distringas*, altering the return, to the words "many defaults"); and whereupon our sheriff of —— returned to us on, &c. (the return of the *distringas*) last past, that the said *C. D.* had nothing in his bailiwick, by which he could be distrained: whereas it is testified in our same court before us, that the said *C. D.* hath sufficient lands and chattels in your bailiwick, by which he may be distrained; and have there this writ. Witness *Lloyd* Lord *Kenyon*, at *Westminster*, the —— day of —— in the —— year of our reign.

Kenyon.

A. B. v. *C. D.* Upon reading the ſeveral writs of *diſtringas* iſſued in this cauſe, it is ordered, that the defendant upon notice, *&c.* ſhall on, *&c.* ſhew cauſe why the iſſues returned upon the ſaid ſeveral writs of *diſtringas* ſhould not be ſold, and the monies ariſing from the ſale thereof ſhould not be forthwith brought into court, and why it ſhould not be referred to the Maſter to tax the plaintiff his coſts, occaſioned by his iſſuing out the ſaid ſeveral writs; and why the coſts, when taxed, ſhould not be paid out of the monies ſo brought into court, and why the ſurplus of the ſaid money, after payment of the ſaid coſts, ſhould not be retained in court, until the purpoſe of the ſaid writs be anſwered. On the motion of Mr. ——. Rule *niſi* for the ſale of iſſues.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you take *C. D.* late of ——, if he be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us on ——, whereſoever we ſhall then be in *England*, to anſwer *A. B.* in a plea, for that whereas, *&c.* (in caſe; or in covenant, of a plea that he keep, *&c.* or in debt, of a plea that he render, *&c.* as in the original, to the words "as it is ſaid,") and have there this writ. Witneſs *Lloyd* Lord *Kenyon*, at *Weſtminſter*, the —— day of —— in the —— year of our reign. *Capias ad reſpondendum.*

Kenyon.

Bail by affidavit for —— *l.*

E. F. Temple,
Plaintiff's attorney (or agent),
—— 179—. Indorſement thereon.

If

If the defendant is not to be arreſted, the uſual notice to appear muſt be put at the end of the *capias*, or other proceſs with which the defendant is ſerved.

Alias or pluries capias.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, as *before* (or as *oftentimes*) we have commanded you, that you take, *&c.*

Teſtatum capias.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you take *C. D.* late of, *&c.* (as in the *capias*, altering the return, to the words "as it is ſaid"); and whereupon our ſheriff of —— returned to us at a certain day now paſt, that the ſaid *C. D.* was not found in his bailiwick: whereas it is *teſtified* in our ſame court before us, that the ſaid *C. D.* lurks and wanders up and down in your county; and have there this writ. Witneſs, *&c.*

Non omittas capias.

George the Third, *&c.* To the ſheriff of ——, We command you, that you do not omit by reaſon of any liberty of the bailiff of the hundred of —— in your county, but that you take *C. D.* late of ——, if he be found in your bailiwick, and him ſafely keep, ſo that you have his body before us on ——, whereſoever we ſhall then be in *England*, to anſwer *A. B.* in a plea, for that whereas, *&c.* (as in the previous proceſs); and have there this writ. Witneſs, *&c.*

George the Third, &c. To the ſheriff of ——, greeting: We command you, that you cauſe *C. D.* late of ——, to be demanded from county-court to county-court, (or if in *London*, from huſting to huſting,) until, according to the law and cuſtom of *England*, he be outlawed, if he doth not appear; and if he doth appear, then that you take him, and cauſe him to be ſafely kept, ſo that you may have his body before us on ——, whereſoever we ſhall then be in *England*, to anſwer to *A. B.* of a plea, &c. (as in the previous proceſs, to the words "as it is ſaid"); and whereupon you returned to us on, &c. (the return of the *pluries*) laſt paſt, that the ſaid *C. D.* was not found in your bailiwick; and have there this writ. Witneſs *Lloyd* Lord *Kenyon*, &c. *Exigi facias.*

By virtue of this writ to me directed, at my county-court held at —— in and for the county of —— on —— the —— day of ——, (or if in *London*, "at the huſting of pleas of land, holden in the *Guildhall* of the city of *London*, on —— next after ——,") in the year within-written, the within-named *C. D.* was a firſt time demanded, and did not appear: And at my county-court held at —— aforeſaid, on —— the —— day of —— in the year aforeſaid, (or at the huſting, &c.) the ſaid *C. D.* was a ſecond time demanded, and did not appear: And at my county-court held at —— aforeſaid, on —— the —— day of —— in the year aforeſaid, (or at the huſting, &c.) the ſaid *C. D.* was a third time demanded, and did not appear: And at my county-court held at —— aforeſaid, on —— the —— day of —— in the year aforeſaid, (or at the huſting, Sheriff's return thereto.

huſting, &c.) the ſaid *C. D.* was a fourth time demanded, and did not appear: And at my county-court held at —— aforeſaid, on —— the —— day of —— in the year aforeſaid, (or at the huſting, &c.) the ſaid *C. D.* was a fifth time demanded, and did not appear: Therefore by the judgment of —— Eſquire and —— Eſquire, coroners of our ſovereign lord the king for the county aforeſaid, the ſaid *C. D.*, according to the law and cuſtom of *England*, is outlawed.

The anſwer of —— ſheriff.

If all the county-courts or huſtings are not holden in the time of the ſame ſheriff, the return is as follows:

By virtue of this writ to me directed, &c. (ſtating the county-courts or huſtings at which the defendant was demanded, in the time of the preceding ſheriff, and concluding his return with "The anſwer of, &c.," then proceed on a new line, as follows):

This writ, as above indorſed, was delivered to me the undernamed preſent ſheriff, (or us the undernamed preſent ſheriffs,) by the abovenamed late ſheriff, at his going out of office.

At my county-court, &c. (ſtating the county-courts or huſtings at which the defendant was demanded, in the time of the ſucceeding ſheriff, and concluding his return thus):

The anſwer of, &c.

George

George the Third, &c. To the ſheriff of ——, greeting: Whereas by our writ, we lately commanded you, that you ſhould cauſe *C. D.* late of ——, to be demanded from county-court to county-court, (or if in *London*, from huſting to huſting,) until, according to the law and cuſtom of *England*, he ſhould be outlawed, if he did not appear; and if he did not appear, then that you ſhould take him, and cauſe him to be ſafely kept, ſo that you might have his body before us on ——, whereſoever we ſhould then be in *England*, to anſwer to *A. B.* of a plea, &c. (as in the *exigent*, to the words "as it is ſaid"): Therefore we command you, that in purſuance of the ſtatute made in the thirty-firſt year of the reign of the Lady *Elizabeth* late Queen of *England*, you cauſe the ſaid *C. D.* to be proclaimed upon three ſeveral days, according to the form of that ſtatute, one of which proclamations ſhall be made at or near the moſt uſual door of the church of the pariſh where the ſaid *C. D.* is dwelling, that he render himſelf unto you, ſo that you may have his body before us, at the aforeſaid time, whereſoever we ſhall then be in *England*, to anſwer to the ſaid *A. B.* of the plea aforeſaid; and have there this writ. Witneſs, &c. Writ of proclamation.

This writ ſhould have the ſame *teſte* and return as the *exigent*; and if the defendant reſide in a different county from that into which the *exigent* iſſues, the writ of proclamation, which is called a foreign proclamation, is as follows:

George the Third, &c. To the ſheriff of ——, greeting: Whereas by our writ, we lately commanded Writ of foreign proclamation.

manded our ſheriff of ——, that he ſhould cauſe *C. D.* late of —— to be demanded from county-court to county-court, (or if in *London*, from huſting to huſting,) until, according to the law and cuſtom of *England*, he ſhould be outlawed, if he did not appear; and if he did appear, then that he ſhould take him, and cauſe him to be ſafely kept, ſo that he might have his body before us on ——, whereſoever we ſhould then be in *England*, to anſwer to *A. B.* of a plea, *&c.* (as in the *exigent*, to the words "as it is ſaid"): Therefore we command you, that in purſuance of the ſtatute made in the thirty-firſt year of the reign of the Lady *Elizabeth* late Queen of *England*, you cauſe the ſaid *C. D.* to be proclaimed upon three ſeveral days, according to the form of that ſtatute, one of which proclamations ſhall be made at or near the moſt uſual door of the church of the pariſh where the ſaid *C. D.* is dwelling, that he render himſelf to our ſheriff of ——, ſo that he may have his body before us, at the aforeſaid time, whereſoever we ſhall then be in *England*, to anſwer to the ſaid *A. B.* of the plea aforeſaid; and have there this writ. Witneſs, *&c.*

Return to writ of proclamation.

By virtue of the within writ to me directed, I cauſed the within-named *C. D.* to be proclaimed three ſeveral days, according to the effect of the within-mentioned ſtatute, as it is within commanded me.

The anſwer of —— ſheriff.

Aliter.

(Or more ſpecial, thus:) By virtue of the within writ to me directed, at my county-court held at

——, in and for the county of ——, on —— the —— day of ——, (or if in *London*, " at the hufting of pleas of land, holden in the *Guildhall* of the city of *London*, on —— next after ——,") in the year within-written, I cauſed the ſaid *C. D.* to be proclaimed a firſt time: And at the general Quarter Seſſions of the Peace held at —— aforeſaid, on —— the —— day of —— in the year aforeſaid, I cauſed the ſaid *C. D.* to be proclaimed a ſecond time: And at the moſt uſual door of the church of the pariſh of ——, being the pariſh where the ſaid *C. D.* is dwelling, on *Sunday* the —— day of —— in the year aforeſaid, immediately after divine ſervice, one month at the leaſt before the within-named *C. D.* was demanded a fifth time, I cauſed the ſaid *C. D.* to be proclaimed a third time, that he ſhould render himſelf unto me, (or if a foreign proclamation, " unto the ſheriff of ——,") as within it is commanded me.

The anſwer of —— ſheriff.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that allowing thoſe —— county-courts, (or if in *London*, thoſe —— huſtings,) at which *C. D.* late of —— was demanded, and did not appear, as you returned to us on, *&c.* (the return of the *exigent*) laſt paſt, you cauſe the ſaid *C. D.* to be further demanded at your next county court, (or huſting, if only one return is wanting, or if more than one, " from county-court to county-court," or " from huſting to huſting,") until, according to the law and cuſtom of *England*, *Allocatur exigent.*

England, he be outlawed, if he doth not appear, *&c.* (as in the *exigent*, altering the return, to the words "as it is said"); and have there this writ. Witness *Lloyd* Lord *Kenyon*, at *Westminster*, the —— day of —— in the —— year of our reign. (The return of the *exigent*, if in term, if not, the *quarto die post*.)

Kenyon.

Supersedeas to the *exigent*, *quia improvide*, &c.

George the Third, *&c.* To the sheriff of ——, greeting: Whereas by our writ, we lately commanded you, that you should cause *C. D.* late of —— to be demanded from county-court to county-court, (or if in *London*, from husting to husting,) until, according to the law and custom of *England*, he should be outlawed, if he did not appear; and if he did appear, then that you should take him, and cause him to be safely kept, so that you might have his body before us, on ——, wheresoever we should then be in *England*, to answer to *A. B.* of a plea, *&c.* (as in the *exigent*, to the words, "as it is said"): But because the said *C. D.*, before the issuing (or return) of our said writ of *exigent*, appeared in our court before us by —— his attorney, and often offered himself to answer the said *A. B.* of the plea aforesaid, so that our said writ did not duly issue thereupon against the said *C. D.*; therefore we command you, that you altogether cease any further demanding the said *C. D.* or outlawing, taking, or any way molesting him, on that occasion; and have there this writ. Witness, *&c.*

I have

I have altogether ceaſed from executing this writ, having received his majeſty's writ of *ſuperſedeas* for that purpoſe. Sheriff's return to the *exigent* thereupon.

The anſwer of —— ſheriff.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you do not omit by reaſon of any liberty of your county, but that you take *C. D.* late of ——, being outlawed in your ſaid county, (or in the county where the outlawry was,) on —— the —— day of ——, (or in *London*, on —— next after ——) laſt paſt, at the ſuit of *A. B.* of a plea, *&c.* (and if the writ iſſue into a different county from that in which the defendant was outlawed, ſay, "as our ſheriff of —— returned to us at *Weſtminſter*, at a certain day now paſt,") if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us, on ——, whereſoever we ſhall then be in *England*, to do and receive what our court before us ſhall conſider of him in this behalf; and have there this writ. Witneſs, *&c.* General *capias utlagatum*.

George the Third, *&c.* To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: We command you, that by our writ under the ſeal of our ſaid county-palatine, to be duly made, and directed to the ſheriff of the ſame county, you cauſe the ſaid ſheriff to be commanded, that he do not omit by reaſon of any liberty of his county, but that he take *C. D.* late of ——, being outlawed, *&c.* if he ſhall be found in his bailiwick, and him ſafely keep, ſo that he may have his body before The like, in a county-palatine.

before us, on ——, whereſoever we ſhall then be in *England*, to do and receive what our court before us ſhall conſider of him in this behalf; and have there this writ. Witneſs, *&c.*

Special *capias utlagatum.*

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you do not omit by reaſon of any liberty of your county, but by the oath of good and lawful men of your ſaid county, you diligently inquire what goods and chattels, lands and tenements, *C. D.* late of —— hath, or had in your bailiwick the —— day of —— laſt paſt, or at any time afterwards, on which day he was outlawed in your county, (or in the county where the outlawry was,) at the ſuit of *A. B.* in a plea of, *&c.* as you have lately returned to us, (or if the writ iſſues into a different county from that in which the defendant was outlawed, ſay, "as our ſheriff of —— returned to us at *Weſtminſter*, at a certain day now paſt,") and by their oath cauſe the ſame to be extended and appraiſed, according to the true value thereof; and what you find by that inquiſition, take into our hands, and cauſe to be ſafely kept, ſo that you anſwer to us for the true value and iſſues thereof; and having ſo extended and appraiſed the ſame, what you ſhall have done thereupon, make known to us, on —— whereſoever we ſhall then be in *England*, diſtinctly and plainly, under your ſeal, and the ſeals of thoſe by whoſe oath you ſhall have made that extent and appraiſement: And for that the ſaid *C. D.* ſo being outlawed, conceals himſelf, and runs up and down in your county, in contempt of us, and in prejudice of our crown, as we are informed:

formed: We command you, that you take the ſaid *C. D.* whereſoever he ſhall happen to be found in your bailiwick, as well within liberties as without, and keep him ſafely, ſo that you may have his body before us, at the aforeſaid time, whereſoever we ſhall then be in *England*, to do and receive what our ſaid court before us ſhall conſider of him in this behalf; and have there this writ. Witneſs, *&c.*

The execution of this writ appears in a certain inquiſition to this writ annexed. Return.

——, (to wit). An inquiſition indented, taken at —— in the county of ——; on the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, before me ——, ſheriff of the ſaid county, by virtue of the king's writ to me directed, and to this inquiſition annexed, upon the oath of *E. F.*, *G. H.* &c. (ſetting out the names of all the jurors,) honeſt and lawful men of my bailiwick, who being ſworn and charged to inquire of all ſuch matters and things as in the ſaid writ are mentioned and contained, on their oath ſay, that *C. D.* in the ſaid writ to this inquiſition annexed mentioned, on ——, on which day he was outlawed in the ſaid county, (or in the county of ——, or in *London*,) at the ſuit of *A. B.* in a plea, *&c.* whereof he is convicted, was and yet is ſeiſed in his demeſne as of fee, (or for the term of his life) of and in one meſſuage and one cloſe of paſture, with Inquiſition.

with the appurtenances, called or known by the name of ——, ſituate, lying and being in the pariſh of ——, in the county aforeſaid, containing by eſtimation —— acres of land, and now in the tenure or occupation of ——, of the clear yearly value of —— *l.* in all iſſues, beyond repriſes; and alſo of and in one other cloſe of paſture, *&c. &c.* all and ſingular which ſaid premiſes with the appurtenances above ſpecified, I the ſaid ſheriff, by virtue of the ſaid writ, on the ſaid day of taking this inquiſition, have taken and cauſed to be ſeiſed into the hands of our ſaid lord the now king, as by the ſaid writ I am commanded: And the jurors aforeſaid, upon their oath aforeſaid, further ſay, that the ſaid *C. D.* at the time of the outlawry aforeſaid, or at any time afterwards, had no other or more lands or tenements, nor hath he any goods or chattels in my bailiwick, which can be ſeiſed or taken into his majeſty's hands, by virtue of the ſaid writ, to the knowledge of the jurors aforeſaid. In witneſs whereof, as well I the ſaid ſheriff, as the jurors aforeſaid, have to this inquiſition ſet our ſeals, the day and year, and at the place firſt above mentioned.

If the defendant has goods, ſay, "that the ſaid *C. D.* on the ſaid, *&c.* was and yet is poſſeſſed, as of his own proper goods and chattels, of and in the ſeveral goods and chattels particularly mentioned and ſet forth in the ſchedule or inventory thereof hereunto annexed, which ſaid goods and chattels are worth, to be ſold, the ſum of —— *l.*, all which ſaid goods and chattels, I the ſaid ſheriff, by virtue of

of the ſaid writ, on the day of taking this inquiſition, have ſeized and taken into his ſaid majeſty's hands, as by the ſaid writ I am commanded," &c.

Petition to the lords of the treaſury, for a leaſe of the outlaw's lands.

To the right honourable the lords commiſſioners of his majeſty's treaſury.

The humble petition of *A. B.*

Sheweth,

That *C. D.* late of —— being juſtly indebted to your petitioner in the ſum of —— *l.* for goods ſold, &c. your petitioner commenced an action againſt the ſaid *C. D.* for the recovery thereof, wherein he has proceeded to outlawry; and that by virtue of a certain writ of ſpecial *capias utlagatum*, iſſued upon the return of the writ of *exigi facias*, againſt the ſaid *C. D.* directed to the then ſheriff of —— *E. F.* Eſquire, then ſheriff of the ſaid county of ——, returned to the ſaid writ of ſpecial *capias utlagatum* to him directed, an inquiſition indented, taken at —— in the ſaid county, on the —— day of —— in the year of our Lord 179-, by which it was found, amongſt other things, that the ſaid *C. D.* on ——, on which day he was outlawed at the ſuit of your petitioner, was ſeiſed in his demeſne as of fee, (or for the term of his life) of and in one meſſuage and one cloſe of paſture with the appurtenances, called or known by the name of ——, ſituate, lying and being in the pariſh of —— in the county aforeſaid, containing by eſtimation —— acres of land, and then in the tenure or occupation of ——, of the clear yearly value of —— *l.* in all iſſues, beyond repriſes, and alſo of and in one other cloſe of paſture, &c. (as in the inquiſition); and that the ſaid ſheriff, by virtue of the

the ſaid writ, on the ſaid day of taking that inquiſition, had taken and cauſed to be ſeiſed into the hands of our ſaid lord the now king, all and ſingular the ſaid premiſes with the appurtenances, as by the ſaid writ he was commanded; as by the return of the ſaid writ of ſpecial *capias utlagatum*, now remaining of record in his majeſty's court of Exchequer, may more fully and at large appear: And your petitioner further ſheweth unto your lordſhips, that the ſaid outlawry ſtill remains in full force and effect, not vacated, ſuperſeded, reverſed, or annulled; and that your petitioner's ſaid debt, and the expences which he has neceſſarily been put to in proſecuting the ſaid *C. D.* to outlawry, amount to a large ſum of money, that is to ſay, to the ſum of —— *l.* and upwards, and that no part thereof has been paid or ſatisfied to your petitioner. Wherefore your petitioner humbly prays your lordſhips' favour and interpoſition, that by and with the conſent of his majeſty's attorney-general in this behalf obtained, a leaſe may be made to your petitioner, by and from his majeſty's court of Exchequer, whereby your petitioner may be enabled to levy, take, collect, and receive, the iſſues and profits of the ſaid outlaw's lands and tenements, ſo found by the ſaid inquiſition, to the value thereof reſpectively appraiſed and extended, till ſuch time as ſufficient thereout ſhall be made, collected, and levied, to ſatisfy your petitioner's ſaid debt, coſts and charges, or until ſuch time as the ſaid *C. D.* ſhall cauſe the ſaid outlawry, ſo had in due form of law againſt him, to be reverſed or annulled. And your petitioner, as in duty bound, ſhall ever pray, *&c.*

A. B.

George

George the Third, *&c.* To the ſheriff of —— greeting: Whereas by a certain inquiſition indented, taken before you, at —— in your county, on, *&c.* by virtue of our writ of ſpecial *capias utlagatum*, under the ſeal of our court of King's Bench, to you the ſaid ſheriff directed, whereby we commanded you to inquire what goods and chattels, lands and tenements, *C. D.* late of —— had in your bailiwick, the —— day of —— then laſt paſt, or at any time afterwards, on which day he was outlawed, in your ſaid county, at the ſuit of *A. B.* in a plea of, *&c.* it was found by the oath of *E. F.* and other good and lawful men of your ſaid county, that *C. D.* in the ſaid writ named, on the —— day of —— then laſt, on which day he became outlawed, and on the day of taking the ſaid inquiſition, was poſſeſſed, as of his own proper goods and chattels, of and in the ſeveral goods and chattels particularly mentioned and expreſſed in the ſchedule or inventory thereof hereunto annexed, which ſaid goods and chattels were worth, to be ſold, the ſum of —— *l.*; all which ſaid goods and chattels you the ſaid ſheriff, by virtue of our ſaid writ, on the day of taking the ſaid inquiſition, did ſeize and take into our hands, as by the ſaid writ and inquiſition taken thereupon, tranſcribed into our court of Exchequer, and there remaining in the cuſtody of our remembrancer, more fully appears: And we being deſirous to be ſatisfied of the value of the ſaid goods and chattels in the ſaid inquiſition mentioned, as is juſt, command you, that you ſell, or cauſe to be ſold, the ſaid goods and chattels and every part thereof, for the beſt price that can be got for the ſame, and at the leaſt for the ſaid ſum of

Venditioni exponas.

of —— *l.* at which they were ſo appraiſed as aforeſaid, ſo that you have the ſum of money ariſing by ſuch ſale, before the barons of our exchequer at *Weſtminſter*, the —— day of this inſtant ——, then and there to be paid to our uſe; and that you make then and there diſtinctly and plainly appear to our ſaid barons, all that you ſhall do concerning the premiſes; and have then there this writ. Witneſs Sir *Archibald Macdonald* knight, at *Weſtminſter*, the —— day of ——, in the —— year of our reign.

By the ſaid tranſcript, and by the Barons.

Return thereto.

By virtue of this writ to me directed, I have cauſed the goods and chattels in the ſchedule or inventory hereunto annexed mentioned, to be ſold for the ſum of —— *l.* being the beſt price I could get for the ſame; which money I have before the barons of the king's Exchequer at *Weſtminſter*, on the day within mentioned, ready to be paid to his majeſty's uſe, according to the command thereof.

The anſwer of —— ſheriff.

Petition thereon to the lords of the treaſury.

To the right honourable the lords commiſſioners of his majeſty's treaſury.

The humble petition of *A. B.*

Sheweth,

That *C. D.* late of ——, being juſtly indebted to your petitioner in the ſum of —— *l.* for goods ſold, &c. (as the fact is,) your petitioner commenced an action againſt the ſaid *C. D.* for the recovery thereof, wherein he has proceeded to outlawry.

That a writ of ſpecial *capias utlagatum* having iſſued againſt the ſaid *C. D.* out of his majeſty's court of

of King's Bench at *Weſtminſter*, at the ſuit of your petitioner, an inquiſition was taken thereon by the ſheriff of ——, whereby certain goods and chattels to the value of —— *l.* mentioned in the ſaid inquiſition, were by the ſaid ſheriff ſeized and taken into his majeſty's hands; which writ and inquiſition being tranſcribed into his majeſty's court of Exchequer at *Weſtminſter*, a writ of *venditioni exponas* duly iſſued out of the ſaid court, whereon the ſaid ſheriff hath returned, that he has by virtue thereof cauſed the goods and chattels in the ſaid laſt writ mentioned to be ſold, for the ſum of —— *l.*, being the beſt price he could get for the ſame; which money he had before the barons of the king's Exchequer at *Weſtminſter*, on the day in the ſaid laſt writ mentioned, ready to be paid to his majeſty's uſe, and which money now remains in the hands of the ſaid ſheriff.

That your petitioner's ſaid debt, and the expences he has been at in the ſaid proceedings, greatly exceed the ſum ſo remaining in the ſheriff's hands; and as his majeſty is not concerned in intereſt, but his name only made uſe of by your petitioner, for the recovery of his ſaid debt.

Your petitioner therefore moſt humbly prays your lordſhips, that his majeſty's attorney-general may be authorized to conſent, on behalf of his majeſty, that the ſaid ſum of —— *l.* may be paid to your petitioner, towards ſatisfaction of his ſaid debt and coſts.

And your petitioner, as in duty bound, ſhall ever pray, *&c.*

Whitehall

Reference thereon to their ſolicitor.

Whitehall Treaſury Chamber,
—— day of —— 179-.

The right honourable the lords commiſſioners of his majeſty's treaſury are pleaſed to refer this petition to —— eſquire, (ſolicitor to the treaſury,) who is to conſider the ſame, and report to their lordſhips a true ſtate of the petitioner's caſe, together with his opinion what is fit to be done therein.

Certificate of clerk in court.

Theſe are to certify, that in —— term, in the —— year of the reign of his preſent majeſty king *George* the Third, a tranſcript of an outlawry was returned and filed in this court, againſt *C. D.* late of ——, outlawed in ——, at the ſuit of *A. B.* in a plea of treſpaſs on the caſe, (or as the plea is,) by which tranſcript it appears, that ſeveral goods and chattels of the ſaid *C. D.* were ſeized into his majeſty's hands by —— Eſquire, then ſheriff of the ſaid county of ——, by virtue of a ſpecial *capias utlagatum*, in the ſaid tranſcript ſpecified; and I further certify, that a writ of *venditioni exponas* has iſſued for ſelling the ſaid goods and chattels ſo ſeized, whereon the ſaid ſheriff hath returned, that he hath ſold the ſame for the ſum of —— *l.*

In the King's Bench.

Between *A. B.* plaintiff,
and
C. D. defendant.

Affidavit of plaintiff's debt and coſts.

A. B. of, *&c.* maketh oath and ſaith, that the above-named *C. D.* is juſtly and truly indebted unto this deponent in the ſum of —— *l.* according to the annexed

annexed account, and alſo in the further ſum of —— *l.* for coſts paid to Mr. —— this deponent's ſolicitor, in proſecuting the outlawry in this cauſe againſt the ſaid *C. D.*

To the right honourable the lords commiſſioners of his majeſty's treaſury. Report on reference.

May it pleaſe your lordſhips,

In humble obedience to your lordſhips commands, ſignified to me by Mr. ——, I have conſidered of the annexed petition of *A. B.* ſetting forth, that *C. D.* &c. (reciting the whole of the petition).

And I do moſt humbly certify to your lordſhips, that I have received ſatisfaction as to the truth of all the allegations in the ſaid petition contained, as well by ſight of the ſeveral records thereby referred to, and a certificate of the ſaid outlawry's being tranſcribed into the office of his majeſty's remembrancer of the Exchequer, ſigned by Mr. —— one of the attornies of that office, as by the affidavit of the petitioner; whereby it appears to me, that the ſaid *C. D.* is juſtly indebted to the petitioner in the ſum of —— *l.* for goods ſold, *&c.*

And it appearing by the affidavit of the ſaid petitioner, that his ſaid debt, with the ſeveral charges he has been already put to in outlawing the ſaid *C. D.* do exceed the ſum levied by the ſheriff; and as the petitioner muſt ſtill neceſſarily be put to a further expence, I am moſt humbly of opinion, that it may be proper for your lordſhips to ſend your warrant to his majeſty's attorney-general, authorizing him to conſent to an order of his majeſty's court of Exchequer, for —— eſquire, the preſent

ſheriff of the county of ——, to pay over the ſaid ſum of —— *l.* now remaining in his hands, after deducting the ſheriff's poundage for levying the ſame, and other incidental charges, unto the petitioner for his own uſe, towards ſatisfaction of his ſaid debt and coſts, whenever a motion ſhall be made in the ſaid court of Exchequer for that purpoſe. All which is nevertheleſs moſt humbly ſubmitted to your lordſhip's ſuperior judgment.

—— 179- . ——.

Warrant for the attorney-general to conſent to an order for payment of the money.

George R.

Whereas we are given to underſtand, that there is remaining in the hands of —— eſquire, the preſent ſheriff of the county of ——, the ſum of —— *l.* for ſo much money levied by him on the ſeveral goods belonging to *C. D.* which were ſeized into our hands, by virtue of an inquiſition, taken by virtue of a writ of *capias utlagatum* iſſued out of our court of King's Bench, againſt the ſaid *C. D.* at the ſuit of *A. B.* for the recovery of a debt, due and owing to him from the ſaid *C. D.*: And whereas it further appears by reports, certificates, and other proper teſtimonies, which the commiſſioners of our treaſury have laid before us, that the debt due and owing to the ſaid *A. B.* from the ſaid *C. D.* together with the coſts which he hath been put to in carrying on the ſaid proſecution againſt the ſaid *C. D.* for recovery of the ſaid debt, doth exceed the ſaid ſum of —— *l.* remaining in the hands of the ſaid ſheriff as aforeſaid: To the end, therefore, that the ſaid *A. B.* may have and receive ſome recompence and ſatisfaction towards his ſaid debt, and the charges

charges he hath been put to in ſuing for the ſame; our will and pleaſure is, and we do hereby authorize and direct you to conſent and agree, that ſo much of the ſaid ſum of —— *l.* as doth or ſhall remain in the hands of the ſaid ſheriff, after deducting the uſual poundage for levying the ſame, be paid over to the ſaid *A. B.* towards ſatisfaction of his ſaid debt and coſts accordingly, whenever he by his counſel learned in the law ſhall think fit to move our court of Exchequer for an order for that purpoſe; and we do alſo authorize and direct you to do, or cauſe to be done, ſuch further or other acts, as our ſaid court of Exchequer upon ſuch motion ſhall or may judge neceſſary for rendering our intentions herein moſt firm, valid and effectual; and for ſo doing, this ſhall be your warrant. Given at our court at *Saint James's*, the —— day of —— in the —— year of our reign. By his majeſty's command.

To our truſty and well-beloved ——.
Sir *John Mitford* Knight, our ——.
attorney-general. ——.

George the Third, by the grace of God, of *Great Britain*, *France* and *Ireland*, king, defender of the faith, *&c.* To —— eſquire, ſheriff of our county of ——, or to his under-ſheriff, greeting: We command you, that laying aſide all excuſes, you obey, fulfil and perform all and every matter and thing ſpecified in an order of our court of Exchequer at *Weſtminſter*, made in a cauſe in our ſaid court depending between us and *C. D.* outlawed at the ſuit of *A. B.* upon an outlawry; the tenor of which order, for your fuller information therein, is *Subpœna.*

hereto annexed; and this you are not to omit, under the penalty of one hundred pounds, which we ſhall cauſe to be levied upon your goods and chattels, lands and tenements, for our uſe, if you neglect this our command. Witneſs Sir *Archibald Macdonald* knight, at *Weſtminſter*, the —— day of —— in the —— year of our reign. By the ſaid order made the ſame day, and by the ſaid barons.

Order for the ſheriff to pay the money to the proſecutor.

It is found in a certain book of orders of this Exchequer, to wit, amongſt the orders of —— term in the —— year of the reign of king *George* the Third, in the —— page, on the part of his majeſty's remembrancer, as follows:

—— the —— day of —— 179 - .

Between the king and *C. D.* outlawed at the ſuit of *A. B.* upon an outlawry. Upon the motion of Mr. —— of counſel for *A. B.* informing the court, that the ſaid *C. D.* having been proſecuted to an outlawry by the ſaid *A. B.* upon an action of treſpaſs on the caſe, in his majeſty's court of King's Bench, a writ of ſpecial *capias utlagatum* thereupon iſſued againſt the ſaid defendant, under the ſeal of the ſaid court, directed to the ſheriff of ——; by virtue whereof, the ſaid ſheriff ſeized by inquiſition ſeveral goods and chattels belonging to the ſaid defendant, appraiſed at —— *l.*; and further informing the court, that the ſaid writ of *capias utlagatum* and inquiſition being tranſcribed into this court, a writ of *venditioni exponas*, under the ſeal of this court, iſſued on the —— day of —— laſt, for ſelling the ſaid goods, returnable the —— day of ——, at which time, —— eſquire, the preſent ſheriff of ——, re-

——, returned the ſaid writ, and certified that he had ſold the ſaid goods and chattels for the ſaid ſum of —— *l.* It was therefore prayed by the ſaid Mr. ——, that the ſaid —— eſquire, or his under-ſheſheriff, might forthwith pay to the ſaid *A. B.* or his order, the ſaid ſum of —— *l.* towards ſatisfaction of the debt due from the ſaid defendant to the ſaid proſecutor: Whereupon, and on hearing Sir *John Mitford* knight, his majeſty's attorney-general, conſenting thereto on the behalf of his majeſty, it is ordered by the court as prayed, the ſaid ſheriff firſt deducting out of the ſaid —— *l.* the uſual poundage.

Writ of error for reverſing an outlawry.

England, (to wit). *George* the Third, *&c.* To our juſtices aſſigned to hold pleas before us, greeting: Becauſe in the record and proceedings, and alſo in the pronouncing of the outlawry againſt *C. D.* late of ——, in a plea of, *&c.* whereon he is outlawed in the county of ——, (or, in *London*,) lately pronounced, and before us returned, as it is ſaid, manifeſt error hath intervened, to the great damage of him the ſaid *C. D.* as by his complaint we have underſtood: We being willing the error, if any hath been, ſhould be duly corrected, and full and ſpeedy juſtice done to the ſaid *C. D.* in this behalf, command you, that if the outlawry aforeſaid be returned before us, then the record and proceedings aforeſaid being inſpected, you further cauſe to be done thereupon, for the annulling of the outlawry aforeſaid, what of right and according to the law and cuſtom of *England* ſhall be meet to be done. Witneſs ourſelf at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Aſſignment of errors.

Afterwards, to wit, on —— next after ——, in this ſame term, before the lord the king at *Weſtminſter*, comes the ſaid *C. D.* by —— his attorney, and immediately ſays, that in the pronouncing of the outlawry aforeſaid, there is manifeſt error in this, to wit, that the ſaid writ of *exigi facias* is inſufficient, invalid, and void in law; therefore in that there is manifeſt error; there is alſo error in this, to wit, *&c.* (aſſigning the errors): And the ſaid *C. D.* prays the writ of the lord the king, to warn the ſaid *A. B.* to be before the ſaid lord the king, to hear the record and proceedings aforeſaid; and it is granted to him, *&c.*

Special entry of proceſs to outlawry, plea of no proclamation, and outlawry reverſed thereupon.

——, (to wit). *A. B.* by —— his attorney, offered himſelf on the fourth day againſt *C. D.* late of —— of a plea, *&c.* (as in the *capias*, to the words "as it is ſaid,") and the ſaid *C. D.* did not come: Therefore, as before, the ſheriff was commanded, that he ſhould take the ſaid *C. D.* if, *&c.* and the ſheriff thereupon returned, that he was not found, *&c.* Therefore, as oftentimes, let the ſaid *C. D.* be taken, that he be before our lord the king on —— wheresoever, *&c.* At which day before our ſaid lord the king at *Weſtminſter* came the ſaid *A. B.* by his attorney aforeſaid, and offered himſelf on the fourth day againſt the ſaid *C. D.* of the plea aforeſaid; and the ſaid *C. D.* did not come: Therefore, as oftentimes, it was commanded to the ſheriff, that he ſhould take the ſaid *C. D. &c.* and the ſheriff returned that he was not found, *&c.* Therefore the ſheriff was commanded that he ſhould cauſe the ſaid *C. D.* to be demanded from county-court to county-

court,

court, (or in *London*, from huſting to huſting,) until he ſhould be outlawed, if he did not appear; and if, &c. then that he ſhould take him, and him ſafely keep, ſo that he might have his body before our lord the king on —— whereſoever, &c. to anſwer the ſaid *A. B.* of the plea aforeſaid: It was alſo commanded to the ſheriff, that in purſuance of the ſtatute in ſuch caſe made and provided, he ſhould cauſe the ſaid *C. D.* to be proclaimed upon three ſeveral days, according to the form of that ſtatute, that he ſhould render himſelf to the ſaid ſheriff, ſo that he might have his body before our lord the king at the aforeſaid time, to anſwer to the ſaid *A. B.* of the plea aforeſaid: And be it known, that the writ of our ſaid lord the king thereupon, on, &c. (the teſte of the *exigent*) in this ſame term, was delivered of record to the deputy ſheriff of the county aforeſaid, in due form of law to be executed, &c. At which ſaid —— before our ſaid lord the king at *Weſtminſter*, came the ſaid *A. B.* by his attorney aforeſaid; and the ſheriff of ——, namely ——, returned, that at the county-court held at —— in and for the county of ——, on —— the —— day of —— (or in *London*, at the huſting of pleas of land, holden at the *Guildhall* of the city of *London* on —— next after ——) in the year, &c. the ſaid *C. D.* was a firſt time demanded, and did not appear: And at the county-court (or huſting), &c. (as in the return) and he did not appear: Therefore the ſaid *C. D.* is outlawed: And afterwards, to wit, on —— then next following, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *C. D. in his own proper perſon, and renders himſelf to the priſon of the marſhal of*

the court of our ſaid lord the king, before the king himſelf here, on occaſion of the outlawry aforeſaid *, and immediately ſays, that no writ of our ſaid lord the king of proclamation, according to the form of the ſtatute of the thirty-firſt year of the reign of the Lady *Elizabeth*, late Queen of *England*, in that caſe made and provided, iſſued againſt the ſaid *C. D.* in the plea aforeſaid, whereby the outlawry aforeſaid, againſt the ſaid *C. D.* in form aforeſaid pronounced and had, is by the ſaid ſtatute void, and of no force or effect in law; and this he is ready to verify, wherefore he prays judgment, and that the outlawry aforeſaid againſt him the ſaid *C. D.* in form aforeſaid pronounced and had, may be revoked, annulled, and altogether held for nothing, and that he may be reſtored to all things which he hath loſt on occaſion of the ſaid outlawry: And the ſaid *C. D.* according to the form of the ſtatute in that caſe made and provided, finds ſufficient bail, to wit, *E. F.* of, *&c.* and *G. H.* of, *&c.* And now here at this day come the bail aforeſaid, and each of them for himſelf ſeverally acknowledges to owe to the ſaid *A. B.* —— *l.* which ſaid ſeveral ſums of —— *l.* they grant, and each of them for himſelf grants, ſhall be made of their and each of their lands and chattels, and levied to the uſe of the ſaid *A. B.* on condition, that the ſaid *C. D.* ſhall appear and anſwer the ſaid *A. B.* to a new original writ, by the ſaid *A B.* to be proſecuted for the cauſe in the ſaid writ mentioned, and ſhall pay the

* This was before the ſtatute 4 & 5 W. & M. c. 18. § 3. when it was neceſſary that the defendant ſhould appear in *perſon* to reverſe an outlawry: Since the above ſtatute, the form is as follows: "Afterwards, *&c.* comes the ſaid *C. D.* by —— his attorney, and immediately ſays," *&c.*

con-

condemnation which ſhall be recovered if the ſaid *A. B.* ſhall proſecute his ſuit within two terms, *&c.* Whereupon the aforeſaid writ being ſeen, and the file of writs of the return of the ſaid writ of *exigi facias* being ſearched for the proclamation aforeſaid, it manifeſtly appears to the ſame court now here, that the allegation of the ſaid *C. D.* above made for his diſcharge from the outlawry aforeſaid is true: Therefore it is conſidered, that the outlawry aforeſaid againſt the ſaid *C. D.* in form aforeſaid pronounced and had, be revoked, and that the ſaid *C. D.* be diſcharged from the outlawry aforeſaid, and be in no-wiſe moleſted or aggrieved on that occaſion, but go thereof quit, and that the ſaid *C. D.* be reſtored to all things which he hath loſt on occaſion of the outlawry aforeſaid, *&c.*

Superſedeas upon the reverſal of an outlawry, for want of proclamations.

George the Third, *&c.* To the ſheriff of —— greeting: Whereas by our writ we lately commanded you, that you ſhould not omit by reaſon of any liberty of your county, but by the oath of honeſt and lawful men, *&c.* (reciting the writ of ſpecial *capias utlagatum*, to the words, "to do and receive what our court before us ſhould conſider of him in that behalf,") And becauſe it ſufficiently appears to us of record, in our court before us, that the outlawry aforeſaid is reverſed for want of proclamations, according to the form of the ſtatute in that caſe made and provided; and that the ſaid *C. D.* thereupon came here into our court before us, and found ſufficient bail to anſwer to the ſaid *A. B.* upon a new original writ, to be brought by the ſaid *A. B.* within two terms next after the reverſal of the outlawry aforeſaid,

aforeſaid, and to ſatisfy the condemnation, if the ſaid *C. D.* ſhould be convicted: Therefore we command you, that if you have taken the goods and chattels of the ſaid *C. D.* by virtue of the writ aforeſaid, you cauſe them to be re-delivered to the ſaid *C. D.* without delay: We alſo command you, that you wholly ceaſe from taking the ſaid *C. D.*, attaching, impriſoning, or in any-wiſe moleſting him on the occaſion aforeſaid; and if you have taken him on that occaſion, and no other, then that you cauſe him to be ſet at liberty without delay, at your peril. Witneſs, *&c.*

Otherwiſe, by conſent of the plaintiff's attorney, on the defendant's putting in bail.

George the Third, *&c.* To the ſheriff of —— greeting: Whereas by our writ, we lately commanded you, *&c.* (as in the preceding form, to the words "conſider of him in that behalf,") And becauſe the ſaid *C. D.* by the aſſent of the attorney of the ſaid *A. B.*, came into our court before us, and found ſufficient bail to anſwer to the ſaid *A. B.* of the plea aforeſaid, and to ſatisfy the ſaid *A. B.* all damages, coſts and charges in that behalf to be recovered, if it ſhould happen that the ſaid *C. D.* ſhould be convicted in the plea aforeſaid, and did not ſatisfy the ſaid damages, coſts and charges, or render himſelf to the priſon of the marſhal of the *Marſhalſea* of our court before us on that occaſion: Therefore we command you, *&c.* (as in the preceding form to the end).

Judgment in the exchequer, on the reverſal of an outlawry, or death of the outlaw.

That his majeſty's hands be removed from the poſſeſſion of the premiſes in the inquiſition mentioned; and that the ſaid *C. D.* (the outlaw or repreſentative)

preſentative) be reſtored to his poſſeſſion thereof, together with the rents, iſſues and profits thereof, which have not as yet been anſwered to his ſaid majeſty; and (in caſe a leaſe has been granted) that the ſaid leaſe in form aforeſaid made, be void and of no effect; and that as well the ſaid —— late ſheriff of the county of ——, as all others who have been, now are, or hereafter ſhall be ſheriffs of the ſaid county, ſhall be diſcharged in their accounts towards his ſaid majeſty, his heirs and ſucceſſors, as well of the rents and profits of the ſaid premiſes, as of the ſaid annual rent of —— which have not been anſwered to his ſaid majeſty; and laſtly, that the ſaid *C. D.* as to the ſaid premiſes, may be diſmiſſed the court, by reaſon of the ſaid confeſſion, and other the premiſes.

Scire facias upon the pardon of an outlawry by the king.

George the Third, *&c.* To the ſheriff of —— greeting: Whereas *A. B.* lately in our court before us, by our writ, impleaded *C. D.* late of —— of a plea, *&c.* as it is ſaid; and the ſaid *C. D.*, becauſe he did not appear in our court before us to anſwer the ſaid *A. B.* thereupon, according to the law and cuſtom of *England*, was put in *exigent* in your county to be outlawed, and was on that occaſion outlawed, as appears to us of record: And we, being moved with pity, have pardoned the aforeſaid outlawry, and granted to him our firm peace thereupon; nevertheleſs, ſo that he ſtand rightly in our court before us in reſpect of this outlawry, according to the form of the ſtatute in ſuch caſe made and provided: And becauſe it is neceſſary and expedient before the ſaid *C. D.* quietly withdraws from our court before us, that

that the ſaid *A. B.* be warned: Therefore we command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *A. B.* that he be before us on —— whereſoever we ſhall then be in *England*, to proſecute further his plea aforeſaid againſt the ſaid *C. D.* if he will, and further to do and receive what our court before us ſhall conſider of him in this behalf; and have there the names of thoſe by whom you ſhall ſo make known to him, and this writ. Witneſs, *&c.*

Scire facias upon the pardon of an outlawry by ſtatute.

George the Third, *&c.* To the ſheriff of —— greeting: Whereas by our writ we lately commanded you, that you ſhould not omit by reaſon of any liberty of your county, but that you ſhould take *C. D.* late of ——, being outlawed at —— in your county on, *&c.* at the ſuit of *A. B.* of a plea, *&c.* if he ſhould be found in your bailiwick, and him ſafely keep, ſo that you might have his body before us on —— whereſoever we ſhould then be in *England*, to do and receive what our court before us ſhould conſider of him in that behalf: But becauſe by a certain act, made in our parliament holden at *Weſtminſter* in the county of *Middleſex*, on ——, the ſaid outlawry againſt the ſaid *C. D.* in form aforeſaid pronounced and had, was pardoned to the ſaid *C. D.*; nevertheleſs, ſo that the ſaid *C. D.* proſecute in our court before us our writ of *ſcire facias* to warn the ſaid *A. B.* of the plea aforeſaid, if the ſaid *A. B.* will complain againſt him; and becauſe it is expedient and neceſſary that the ſaid *A. B.* for his intereſt in this behalf be warned, before any further proceedings are had for diſcharging the ſaid *C. D.* of the out-

outlawry aforeſaid: Therefore we command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *A. B.* that he be before us on ——, whereſoever we ſhall then be in *England*, to proſecute his plea aforeſaid againſt the ſaid *C. D.* if he ſhall be willing; and have there the names of thoſe by whom you ſhall ſo make known to him, and this writ. Witneſs, *&c.*

At which ſaid ——, before our ſaid lord the king at *Weſtminſter*, came the ſaid *C. D.* in his proper perſon; and the ſheriff of the county aforeſaid, to wit, —— eſquire, by virtue of the ſaid writ to him thereupon directed, returned, that he by *E. F.* and *G. H.* honeſt and lawful men of his bailiwick, had made known to the ſaid *A. B.* to be before our lord the king at the day aforeſaid, whereſoever, *&c.* to proſecute his plea againſt the ſaid *C. D.*; and the ſaid *A. B.* although at that day ſolemnly called and ſo warned, did not come, but made default: Therefore he and his pledges to proſecute, to wit, *John Doe* and *Richard Roe*, are thereupon in mercy, *&c.* and let the ſaid *C. D.* go thereof without day, *&c.* and let the pardon of our lord the king, according to the form of the aforeſaid ſtatute, be allowed to the ſaid *C. D.* &c. Return thereto.

Pone by the plaintiff in replevin.

George the Third, &c. To the ſheriff of ——, greeting: Put, at the prayer of the plaintiff, before us on —— whereſoever we ſhall then be in *England*, the plaint which is in your county, by our writ, between *A. B.* and *C. D.* of the cattle, goods and chattels of the ſaid *A. B.* taken and unjuſtly detained, as it is ſaid; and ſummon by good ſummoners the ſaid *C. D.* that he be then there to anſwer to the ſaid *A. B.* thereupon; and have there the ſummoners, and this writ. Witneſs ourſelf at *Weſtminſter*, the —— day of —— in the —— year of our reign.

The like, by the defendant.

George the Third, &c. To the ſheriff of ——, greeting: Put before us on —— whereſoever we ſhall then be in *England*, the plaint which is in your county, by our writ, between *A. B.* and *C. D.* of the cattle, goods and chattels of the ſaid *A. B.* taken and unjuſtly detained, as it is ſaid; and apprize the ſaid *A. B.* that he may be there if he will, to proſecute his plaint aforeſaid againſt the ſaid *C. D.*; and have there this writ, and the other writ. Witneſs ourſelf at *Weſtminſter*, the —— day of —— in the —— year of our reign. And becauſe *E. F.* clerk of ——, ſheriff of the county aforeſaid, who frequently in the abſence of the ſheriff of that county holds the pleas of the ſame county, is the kinſman of the ſaid *A. B.* for which the ſame ſheriff favours him the ſaid *A. B.* in the plea aforeſaid, as it is ſaid; let this writ be executed, if the cauſe be true, and the ſaid *C. D.* require it, otherwiſe not.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that in your full county you cauſe the plaint to be recorded, which is in the ſame county, without our writ, between *A. B.* and *C. D.* of the cattle, goods and chattels of the ſaid *A. B.* taken and unjuſtly detained, as it is ſaid; and that you have the ſaid record before us on —— whereſoever we ſhall then be in *England*, under your ſeal and the ſeals of four lawful knights of the ſame county, of thoſe who were preſent at the ſaid recording; and that you prefix the ſame day to the parties, that they be then there to proceed in that plaint, as ſhall be juſt; and that you have there the names of the ſaid four knights, and this writ. Witneſs ourſelf at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Recordari facias loquelam by the plaintiff in replevin.

Let this writ be executed, if the aforeſaid *A. B.* require it, otherwiſe not.

If the *recordari* be ſued out by the defendant, there muſt be a cauſe aſſigned at the end of the writ, as thus: Becauſe the ſaid *C. D.* in pleading aſſerts, that he took the ſaid cattle, goods, and chattels in his ſeparate ſoil, as doing him damage there, in which ſoil the ſaid *A. B.* claims to have common of paſture, as he ſays; which ſaid plaint, inaſmuch as it concerns the freehold as aforeſaid, ought not, according to the law and cuſtom of *England*, to be impleaded in the ſame county, without our writ; let this writ be executed, if the cauſe be true, and the ſaid *C. D.* require it, otherwiſe not.

Return to the *recordari.*

By virtue of this writ to me directed, in my full county holden at —— in and for the county of ——, on —— the —— day of ——, in the —— year of the reign, &c. I cauſed to be recorded the plaint, which is in the ſame county, without the writ of our ſaid lord the king, between *A. B.* and *C. D.*, of the cattle, goods and chattels of the ſaid *A. B.* taken and unjuſtly detained, as it is ſaid; which ſaid plaint appears in a certain ſchedule to this writ annexed; and I have the ſaid record before our ſaid lord the king at *Weſtminſter*, at the day within contained, under my ſeal and the ſeals of *E. F.* &c. four lawful knights of the ſame county, who were preſent at the ſaid recording; and I have prefixed the ſame day to the parties within-named, that they may be then there, ready to proceed in the ſaid plaint, as ſhall be juſt, and as I am within commanded.

The anſwer of —— ſheriff.

——, (to wit). At the —— county-court of —— eſquire, ſheriff of the county aforeſaid, held at —— in and for the ſaid county, on —— the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God, &c. and in the year of our Lord ——, before *E. F.* &c. freeholders of the ſaid county:

A. B. yeoman, complains of *C. D.* of a plea of taking and unjuſtly detaining his cattle, goods and chattels, to wit, ——, and alſo found pledges, as well to proſecute his ſuit with effect, as to make a return of the ſaid cattle, goods and chattels, if a return

return thereof ſhall be adjudged by law, to wit, *G. H.* of ——, and *J. K.* of ——.

By the ſame ſheriff.

George the Third, *&c.* To the ſheriff of ——, greeting: Put by gages and ſafe pledges *C. D.* late of ——, that he be before us on —— whereſoever we ſhall then be in *England*, to anſwer to *A. B.* of a plea, wherefore he took the cattle, goods and chattels of the ſaid *A. B.* and them unjuſtly detained againſt gages and pledges, as it is ſaid; and to ſhew wherefore he was not in our court before us, on —— laſt paſt, as that day was prefixed to him; and have there the names of the pledges, and this writ. Witneſs *Lloyd* Lord *Kenyon* at *Weſtminſter*, the —— day of —— in the —— year of our reign. *Pone* upon a *recordari.*

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you diſtrain *C. D.* late of ——, by all his lands and chattels in your bailiwick, ſo that neither he, nor any one by him, do lay hands on the ſame, until you ſhall have another command from us in that behalf, and that you anſwer to us for the iſſues thereof, ſo that you have his body before us, on ——, whereſoever we ſhall then be in *England*, to anſwer to *A. B.* of a plea wherefore, *&c.* (as in the *pone*, to the words "as it is ſaid"), and to hear his judgment thereupon of many defaults; and have there this writ. Witneſs *Lloyd* Lord *Kenyon*, &c. *Diſtringas* thereon.

Procedendo where the *recordari* is not returned.

George the Third, *&c.* To the ſheriff of ——, greeting: Although we lately commanded you, that in your full county you ſhould cauſe the plaint to be recorded, which was in the ſame county, without our writ, between *A. B.* and *C. D.* of the cattle, goods and chattels of the ſaid *A. B.* taken and unjuſtly detained, as it was ſaid; and that you ſhould have the ſaid record before us on —— whereſoever we ſhould then be in *England*, under your ſeal, and the ſeals of four lawful knights of the ſame county, of thoſe who ſhould be preſent at the ſaid recording; and that you ſhould prefix the ſame day to the parties, that they might be then there to proceed in that plaint, as ſhould be juſt; and that you ſhould have there the names of the ſaid four knights, and that writ: Yet we being now moved with certain cauſes in our court before us, command you, that in the ſame plaint againſt the ſaid *C. D.* at the ſuit of the ſaid *A. B.* before you levied or affirmed, and now depending undetermined, you proceed at your next county-court to be holden in and for the ſame county, with what ſpeed you can, in ſuch manner, according to the law and cuſtom of *England*, as you ſhall ſee proper, our ſaid writ to you in that behalf heretofore directed to the contrary in any-wiſe notwithſtanding. Witneſs, *&c.*

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that taking with you four diſcreet and lawful knights of your county, you go in your proper perſon to the court of ——, and in that full court you cauſe to be recorded the plaint which is in the ſame court, without our writ, between *A. B.* and *C. D.* &c. and have that record before us on —— whereſoever we ſhall then be in *England*, under your ſeal and the ſeals of four lawful men of the ſame court, who were preſent at that recording; and prefix the ſame day to the parties aforeſaid, that they be then there to proceed in that plaint, as ſhall be juſt; and have there the names of the ſaid four lawful men, and this writ. Witneſs ourſelf at *Weſtminſter*, &c. Becauſe the ſaid *C. D.* is bailiff of the aforeſaid —— of his court aforeſaid, and holds pleas in the ſame court, and ought not to be a judge in his own cauſe; let this writ be executed, if the cauſe be true, and the ſaid *A. B.* require it, otherwiſe not. *Accedas ad curiam.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, that taking with you four diſcreet and lawful knights of your county, you ſhould go in your proper perſon to the court of ——, and in that full court you ſhould cauſe to be recorded the plaint, which was in the ſame court without our writ, between *A. B.* and *C. D.* &c. and that you ſhould have that record under your ſeal and the ſeals of four lawful men of the ſame court, who were preſent at that recording, and prefix the ſame day to the parties that they ſhould be then there to proceed *Procedendo* thereon.

ceed in that plaint, as ſhould be juſt, and that you ſhould have there the names of the ſaid four lawful men, and that writ; becauſe the ſaid *C. D.* was bailiff of the aforeſaid —— of his court aforeſaid, and held pleas in the ſame court, and ought not to be a judge in his own cauſe; and that the ſaid writ ſhould be executed if the cauſe were true, and the ſaid *A. B.* required it, otherwiſe not. And you on that day returned to us, that by virtue of the ſaid writ to you directed, on ——, taking with you four diſcreet and lawful knights of your county, you went in your proper perſon to the court of —— then held there, and in that full court you cauſed the plaint to be recorded, whereof mention is made in the aforeſaid writ, the record of which ſaid plaint annexed to the ſaid writ, you had ready before us at the aforeſaid day, under your ſeal and the ſeals of four lawful men of the ſame court, who were preſent at that recording, and that you had prefixed the ſame day to the parties aforeſaid, as by the ſaid writ you were commanded; which ſaid record follows in theſe words, to wit, *A. B.* complains againſt *C. D.* of a plea, *&c.* (here copy the record): And for divers cauſes us thereunto moving, it was conſidered in our ſame court, that the ſaid —— (the lord) ought further to proceed in the plaint aforeſaid, between the parties aforeſaid: Therefore we command you, firmly enjoining you, that you give in charge to the ſaid —— that he proceed further in the plaint aforeſaid, according to law and the cuſtom of his manor aforeſaid, our aforeſaid writ to you thereupon directed in anywiſe notwithſtanding; and that he render to the parties aforeſaid full and ſpeedy juſtice

tice in the premiſes, according to the cuſtom aforeſaid, as of right, and according to law and the cuſtom of the manor aforeſaid, ſhall have been uſed to be done. Witneſs *Lloyd* Lord *Kenyon*, &c.

Way.

—— term in the —— year of the reign of King *George* the Third.

Beginning and concluſion of a bill againſt a member of the Houſe of Commons.

—— (to wit). *A. B.* complains of *C. D.* eſquire, having privilege of parliament, of a plea of treſpaſs on the caſe, &c. (or as the plea is): For that whereas, &c. omitting the charge of fraud and deceit in the breach in *aſſumpſit*, and concluding as follows:

And the ſaid *A. B.* prays the proceſs of our lord the king, to be made to him thereupon againſt the ſaid *C. D.*, according to the form of the ſtatute in ſuch caſe made and provided; and it is granted to him, &c.

Pledges, &c.

Beginning of a bill againſt ſeveral defendants, one of them being a member, and the others in cuſtody of the marſhal.

—— (to wit). *A. B.* complains of *C. D. E. F.* and *G. H.*, the ſaid *C. D.* having privilege of parliament, and the ſaid *E. F.* and *G. H.* being in the cuſtody of the marſhal of the *Marſhalſea* of our lord the now king, before the king himſelf, of a plea of treſpaſs on the caſe, &c. (or as the plea is): For that whereas, &c.

Præcipe for writ of ſummons.

—— (to wit). Writ of ſummons for *A. B.* againſt *C. D.* eſquire, having privilege of parliament

ment. Caſe, for —— *l.* upon promiſes, (or as the action is) returnable on —— next after ——.

E. F. attorney.

—— 179-.

Writ of ſummons.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that you cauſe to be ſummoned *C. D.* eſquire, having privilege of parliament, that he be before us at *Weſtminſter*, on —— next after —— to anſwer *A. B.* of a plea of treſpaſs on the caſe, to the damage of the ſaid *A. B.* of —— *l.* (or as the plea is), as he ſhall be able reaſonably to ſhew, that thereof he ought to anſwer; and have there then this writ. Witneſs *Lloyd* Lord *Kenyon*, &c.

Way.

Præcipe for *diſtringas.*

—— (to wit). *Diſtringas* for *A. B.* againſt *C. D.* eſquire, having privilege of parliament. Caſe, for —— *l.* upon promiſes, (or as the action is,) returnable on —— next after ——.

E. F. attorney.

—— 179-.

Diſtringas.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that you diſtrain *C. D.* eſquire, having privilege of parliament, by all his lands and chattels in your bailiwick, ſo that neither he, nor any one by him, do lay hands on the ſame, until you ſhall have another command from us in that behalf, and that you anſwer to us for the iſſues thereof, ſo that he be before us at *Weſtminſter*, on —— next after —— to anſwer *A. B.* in a plea of treſpaſs on the caſe upon promiſes, to the damage of the ſaid *A. B.* of —— *l.*

(or as the plea is), and to hear his judgment thereupon of many defaults; and have there then this writ. Witneſs, *&c.*

Way.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, as before, (or as oftentimes before) we have commanded you, that you diſtrain, *&c.* (as before). *Alias* or *pluries diſtringas.*

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that you diſtrain, *&c.* (as in the *diſtringas* to the words, "many defaults," and then as follows): And whereupon our ſheriff of ——, at a certain day now paſt, returned to us at *Weſtminſter*, that the ſaid *C. D.* hath nothing in his bailiwick by which he can be diſtrained; whereas it is teſtified in our ſaid court before us, that the ſaid *C. D.* hath ſufficient lands and chattels in your bailiwick, by which he may be diſtrained; and have there then this writ. Witneſs, *&c.* *Teſtatum diſtringas.*

Way. As yet of —— term in the —— year of the reign of King *George* the Third. Witneſs *Lloyd* Lord *Kenyon.*

—— (to wit). *Be it remembered*, that on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes *A. B.* by *E. F.* his attorney, and brings into the court of our ſaid lord the king, before the king himſelf now here, his certain bill againſt *C. D.* eſquire, having privilege of parliament, of a plea of treſpaſs on the caſe, *&c.* (or as the plea is); and there are pledges for the Entry of a bill and proceſs againſt a member of the Houſe of Commons, to ſave the ſtatute.

proſecution thereof, to wit, *John Doe* and *Richard Roe*; which ſaid bill follows in theſe words, (that is to ſay): —— (to wit), *A. B.* complains of *C. D.* eſquire, *&c.* (here copy the bill, to the words, "and therefore he brings his ſuit, *&c.*" and then proceed as follows): And the ſaid *A. B.* prays the proceſs of our ſaid lord the king to be made to him thereupon againſt the ſaid *C. D.*, according to the form of the ſtatute in ſuch caſe made and provided; and it is granted to him, *&c.* whereby the ſheriff of —— is commanded, that he cauſe to be ſummoned the ſaid *C. D.* having privilege of parliament, that he be before our ſaid lord the king at *Weſtminſter*, on —— next after ——, to anſwer the ſaid *A. B.* of a plea of treſpaſs on the caſe, to the damage of the ſaid *A. B.* of —— *l.* (or as the plea is), as he ſhall be able reaſonably to ſhew that thereof he ought to anſwer; and that the ſaid ſheriff have there then the writ of our ſaid lord the king, to him thereupon directed: The ſame day is given to the ſaid *A. B.* there, *&c.* At which day before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by *E. F.* his attorney, and offers himſelf againſt the ſaid *C. D.* in the plea aforeſaid; and the ſheriff, to wit, ——, ſheriff of the ſaid county of ——, now here returns that the ſaid *C. D.* hath not any thing in his bailiwick whereby he can be ſummoned, and the ſaid *C. D.* doth not come.

—— (to wit). *E. F.* eſquire, ſheriff of the county aforeſaid, to the keeper of the gaol of the ſaid county, and alſo to *G. H.* and *J. K.* my bailiffs in the ſaid county, greeting: By virtue of a precept called a bill of *Middleſex*, (or of a writ of our ſovereign lord the king to me directed,) I command you, and every of you, jointly and ſeverally, that you or one of you take *C. D.*, if he ſhall be found in my bailiwick, and him ſafely keep, ſo that I may have his body before the lord the king at *Weſtminſter*, on —— next after ——, (or by original, "on ——, whereſoever our ſaid lord the king ſhall then be in *England*,") to anſwer *A. B.* of a plea of treſpaſs, and alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for —— *l.* upon promiſes, (or as the *ac etiam* is,) according, *&c.* (or by original, "to anſwer *A. B.* of a plea of treſpaſs on the caſe upon promiſes, to the damage of the ſaid *A. B.* of —— *l.*" or as the plea is); hereof fail not, as you will anſwer at your peril. Given under the ſeal of my office, this —— day of —— 179-. Warrant to arreſt.

By the ſame ſheriff.

Bail for —— *l.*
L. M. attorney.
Writ dated the —— day of —— 179-.

Beware the defendant be not privileged or protected.

This warrant is allowed for one defendant and no more, and to be executed by no bailiffs but thoſe who have given the ſaid ſheriff ſecurity.

Bail-bond to the ſheriff.

Know all men by theſe preſents, that we *C. D.* of, *&c.* *E. F.* of, *&c.* and *G. H.* of, *&c.* are held and firmly bound to —— eſquire, ſheriff of the county of —— in the ſum of ——*l.* (double the ſum indorſed on the writ) of lawful money of *Great Britain*, to be paid to the ſaid ſheriff, or his certain attorney, executors, adminiſtrators or aſſigns; for which payment well and truly to be made, we bind ourſelves, and each of us for himſelf, in the whole, our and every of our heirs, executors and adminiſtrators, firmly by theſe preſents: Sealed with our ſeals. Dated the —— day of ——, in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, and ſo forth, and in the year of our Lord 179-.

The condition of this obligation is ſuch, that if the above-bounden *C. D.* do appear before our ſovereign lord the king at *Weſtminſter*, on, *&c.* (or by original "on, *&c.* whereſoever, *&c.*") to anſwer *A. B.* of a plea of treſpaſs, and alſo to a bill, *&c.* (as in the *ac-etiam*) according, *&c.* (or by original, "to anſwer *A. B.* of a plea of, *&c.*" as the plea is,) then this obligation to be void, otherwiſe to remain in full force and virtue.

Sealed, *&c.*

Notice of motion, to ſhew cauſe why the bail-bond, and the proceedings thereon, ſhould not be ſet aſide.

Take notice, that this honourable court will be moved to-morrow, or ſo ſoon after as counſel can be heard, for a rule to ſhew cauſe why the bail-bond aſſigned in this cauſe, and the proceedings thereon, ſhould

ſhould not be ſet aſide with coſts, to be taxed by the maſter, and in the mean-time all proceedings be ſtayed. Dated, &c.

Your's, &c.

G. H. defendant's attorney.

To Mr. *E. F.* plaintiff's attorney.

In the court of King's Bench.

Memorandum of warrant to defend.

—— (to wit). *E. F.* is retained to defend by *C. D.* as his attorney, at the ſuit of *A. B.*

E. F. defendant's attorney.

If by an agent, add, by *G. H.* his agent.

Entered, or filed of record, this —— day of ——, in the —— year of the reign of King *George* the Third.

—— (officer's name).

Præcipe for appearance by original.

—— (to wit). Appearance for *C. D.* at the ſuit of *A. B.* to a *capias* returnable, &c.

E. F. attorney.

Entry of common appearance by original.

—— (to wit). The ſheriff was commanded, that he ſhould take *C. D.* late of, &c. if, &c. and him ſafely keep, ſo that he might have his body before our lord the king on —— whereſoever, &c. to anſwer to *A. B.* of a plea, &c. (as in the *capias*, to the words "as it is ſaid.") And the ſaid *C. D.* by *E. F.* his attorney, prays that his appearance thereupon may be recorded by the court here, and it is recorded, &c.

Common bail-piece.

—— term in the —— year of the reign of King *George* the Third.

Way.

——, (to wit). *C. D.* having been ſerved with proceſs, is delivered to bail to

John Doe, of ——, yeoman,

and

Richard Roe, of the ſame place, yeoman,

at the ſuit of *A. B.*

E. F. attorney,

——, 179 - .

If common bail be filed by the plaintiff, according to the ſtatute, theſe words ſhould be written on the bail-piece, "Filed according to the ſtatute."

In the King's Bench.

A. B. plaintiff,
and
C. D. defendant.

Affidavit of ſervice of proceſs.

G. H. of, *&c.* clerk to *E. F.* gentleman, attorney for the above-named plaintiff, maketh oath and ſaith, that he this deponent did on the —— day of —— inſtant, perſonally ſerve the above-named defendant with a true copy of a bill of *Middleſex*, (or *latitat*, &c.) which appears to this deponent to have been regularly iſſued out of this honourable court againſt the ſaid defendant, at the ſuit of the above plaintiff, and

and returnable on —— next after ——, under which ſaid copy was written an *Engliſh* notice to the ſaid defendant, of the intent of ſuch ſervice, purſuant to the ſtatute in ſuch caſe made and provided. Sworn, *&c.*

G. H.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of motion for leave to file common bail.

Take notice, that this honourable court will be moved on ——, or ſo ſoon after as counſel can be heard, for a rule to ſhew cauſe why the defendant ſhould not be permitted to file common bail in this action, and in the mean-time all proceedings be ſtayed. Dated, *&c.*

Your's, *&c.*

Special bail-piece.

—— term, in the —— year of the reign of King *Goorge* the Third.

Wby.

——, (to wit). *C. D.* is delivered to bail upon a *cepi corpus*, to

E. F. of ——,
and
G. H. of ——,
at the ſuit of *A. B.*

Oath —— *l.*
J. K. attorney,
——, 179-.

If taken before a commiſſioner in the country, add theſe words: "Taken and acknowledged the —— day of —— 179-, before *L. M.*, one of the commiſſioners, *&c.*"

Recognizance of bail.

You do jointly and ſeverally undertake, that if *C. D.* ſhall be condemned in this action, at the ſuit of *A. B.*, he ſhall ſatisfy the coſts and condemnation, or render himſelf to the cuſtody of the marſhal of the *Marſhalſea*, or you will do it for him.

Are you content?

Filacer's entry of ſpecial bail by original.

—— (to wit). *Capias*, *C. D.* late of, *&c.* at the ſuit of *A. B.* of a plea of treſpaſs on the caſe, to the damage of the ſaid *A. B.* of —— *l.* (or as the plea is).

Bail, *E. F.* of, *&c.* and *G. H.* of, *&c.*

Defendant himſelf in —— *l.*

Each of the bail in —— *l.*

J. K. attorney for defendant.

A. B. plaintiff,

In the King's Bench. and

C. D. defendant.

Notice of bail being put in.

Take notice, that ſpecial bail was this day put in (if by original, ſay, put in with the filacer) for the defendant in this cauſe, before the Honourable Mr. Juſtice —— at his chambers in *Serjeant's-inn*, *Chancery-lane*, *London*; and the names and additions of ſuch bail are —— of —— and —— of ——: Dated the —— day of —— 179-.

Your's, *&c.*

E. F. attorney for defendant.

—— (attorney's reſidence).

To Mr. ——, attorney for plaintiff.

If the bail are the ſame as to the ſheriff, then add, "and they are the ſame, as are bail to the ſheriff."

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Affidavit of notice of bail, when not excepted to, to be indorſed on bail-piece, in order to file ſame.

G. H. of, &c. clerk to *E. F.* gentleman, attorney for the above-named defendant, maketh oath and ſaith, that he this deponent did on the —— day of —— laſt, ſerve Mr. —— the plaintiff's attorney with a notice in writing, purporting that the within-named bail were on the —— day of —— put in for the defendant in this cauſe, before, &c.

G. H.

Sworn, &c.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Affidavit of bail put in before a commiſſioner in the country.

J. K. of, &c. maketh oath and ſaith, that the recognizance of bail or bail-piece hereunto annexed, was duly acknowledged by *E. F.* of, &c. and *G. H.* of, &c. before —— eſquire, the commiſſioner who took the ſame, in this deponent's preſence, the —— day of —— laſt paſt.

J. K.

Sworn, &c.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Affidavit of juſtification of ſuch bail.

E. F. of, &c. and *G. H.* of, &c. bail for the defendant in this cauſe, ſeverally make oath and ſay; and

and firſt, this deponent *E. F.* for himſelf ſaith, that he is houſekeeper in —— aforeſaid, and that he this deponent is worth the ſum of —— *l.* (double the ſum ſworn to) over and above what will pay all his debts: And this deponent *G. H.* for himſelf ſaith, that he is a houſekeeper in ——, and is worth the ſum of —— *l.* over and above what will pay all his debts.

E. F.
G. H.

Sworn, *&c.*

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of the bail-piece and affidavit being filed.

Take notice, that the bail-piece in this cauſe, with the affidavit of the due taking thereof, was this day filed with the Honourable Mr. Juſtice —— at his chambers in *Serjeant's-inn, Chancery-lane, London.* Dated the —— day of —— 179-.

Your's, *&c.*
J. K. agent for defendant.

To Mr. *L. M.* agent
for plaintiff.

Entry of exception to bail.

I except againſt theſe bail.

E. F. plaintiff's attorney.
—— 179-.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of exception.

Take notice, that I have excepted againſt the bail put in for the defendant in this cauſe.

E. F. plaintiff's attorney.
—— 179-.

In

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Notice of justification by same bail.

Take notice, that the bail put in for the defendant in this cauſe, and of whom you have already had notice, will on —— next juſtify themſelves in open court, at *Weſtminſter-hall*, in the county of *Middleſex*, as good bail for the ſaid defendant. Dated this —— day of —— 179 - .

Your's, *&c.*
E. F. attorney for defendant.

To Mr. *G. H.* attorney
for plaintiff.

If the bail were put in before a commiſſioner, the notice ſhould expreſs that they will juſtify themſelves "by affidavit."

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Notice of adding one bail, and juſtifying.

Take notice, that *E. F.* of, *&c.* will on —— next be added to the bail already put in for the defendant in this cauſe, and that he, together with *G. H.* one of the bail already put in for the ſaid defendant, and of whom you have before had notice, will at the ſame time juſtify themſelves in open court, at *Weſtminſter-hall*, in the county of *Middleſex*, as good bail for the ſaid defendant. Dated the —— day of —— 179 - .

Your's, *&c.*
J. K. attorney for defendant.

To Mr. *L. M.* attorney
for plaintiff.

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Notice of adding and juſtifying different bail.

Take notice, that *E. F.* of, *&c.* and *G. H.* of, *&c.* will on —— next be added to the bail already put in for the defendant in this cauſe, and at the ſame time will juſtify themſelves in open court, at *Weſtminſter-hall*, in the county of *Middleſex*, as good bail for the ſaid defendant. Dated the —— day of —— 179-.

Your's, *&c.*
J. K. attorney for defendant.

To Mr. *L. M.* attorney
for plaintiff.

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Affidavit of ſervice of notice of juſtification.

G. H. of, *&c.* clerk to *E. F.* gentleman, attorney for the defendant in this cauſe, maketh oath and ſaith, that he this deponent did on the —— day of —— inſtant, perſonally ſerve Mr. ——, the plaintiff's attorney, with a true copy of the notice hereunto annexed. (If the notice be ſerved on the clerk or ſervant of the plaintiff's attorney, ſay, "ſerve Mr. ——, the plaintiff's attorney in this cauſe, with a true copy of the notice hereunto annexed, by delivering the ſame to the clerk (or ſervant) of the ſaid ——, at his houſe (or chambers) in ——.")

G. H.

Sworn, *&c.*

In

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Affidavit to oppose bail.

E. F. of, &c. clerk to Mr. *G. H.* attorney for the plaintiff in this cauſe, maketh oath and ſaith, that Mr. *J. K.* attorney for the defendant in this cauſe, having ſerved the ſaid *G. H.* with notice of juſtifying bail in this action, he this deponent by the order and directions of the ſaid *G. H.* inquired into the ſufficiency of the bail intended to be juſtified for the ſaid defendant; and ſaith, that *L. M.* one of the ſaid bail hath been a bankrupt, and hath not yet obtained his certificate, as this deponent hath been informed and verily believes.

E. F.

Sworn, &c.

Rule for the allowance of bail.

A. B. v. *C. D.* Upon reading the affidavit of *G. H.* it is ordered, that the bail put in for the defendant in this cauſe, who have this day juſtified themſelves in court, be allowed, and (if by bill) the bail-piece filed. Upon the motion of Mr. ——.

By the court.

Entry of recognizance of bail by bill.

As yet of —— term (the term of which the declaration is intitled) in the —— year of the reign of King *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

—— (to wit). Be it remembered, that on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes *A. B.* by —— his

attorney, and brings into the court of our ſaid lord the king, before the king himſelf, now here, his certain bill againſt *C. D.*, being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king, before the king himſelf, of a plea of treſpaſs on the caſe, (or as the plea is,) and there are pledges for the proſecution thereof, to wit, *John Doe* and *Richard Roe*; which ſaid bill follows in theſe words, that is to ſay: —— (to wit). *A. B.* complains of *C. D.* &c. (here copy the declaration to the end, omitting the pledges, and proceed on a new line as follows): And the ſaid *C. D.* by —— his attorney, comes and defends the wrong and injury when, &c. And thereupon *E. F.* of, &c. and *G. H.* of, &c. come into the court of our ſaid lord the king before the king himſelf, now here, in their proper perſons, and become pledges and bail, and each of them becomes pledge and bail for the ſaid *C. D.*, that if the ſaid *C. D.* ſhall happen to be convicted at the ſuit of the ſaid *A. B.* in the plea aforeſaid, then the ſaid bail conſent, and each of them conſents, that all ſuch damages (or in debt, that as well the ſaid debt as all ſuch damages) as ſhall be adjudged to the ſaid *A. B.* in that behalf, ſhall be made of their, and each of their lands and chattels, and levied to the uſe of the ſaid *A. B.*, if it ſhall happen that the ſaid *C. D.* ſhall not pay the ſaid damages, (or in debt, the ſaid debt and damages,) or render himſelf to the priſon of the marſhal of the marſhalſea of our ſaid lord the king, before the king himſelf, on that occaſion.

The

The entry (or further entry) of *J. K.* gentleman, one, &c. of —— term, 40th *George* the third. Docket-paper.

Entry of recognizance of bail, by *E. F.* and *G. H.* bail of *C. D.* defendant, at the ſuit of *A. B.* plaintiff. Roll ——.

As yet of —— term, (the term wherein the proceſs upon which the defendant was arreſted was returnable,) in the —— year of the reign of King *George* the Third. Witneſs *Lloyd* Lord *Kenyon*. Entry of recognizance of bail by original.

——* (to wit). The ſheriff was commanded, that he ſhould take *C. D.* late of ——, if he ſhould be found in his bailiwick, and him ſafely keep, ſo that he might have him before the lord the king on ——, whereſoever the ſaid lord the king ſhould then be in *England*, to anſwer *A. B.* &c. (as in the *capias*, to the words, "as it is ſaid;" and if there was an *alias*, proceed as follows): Whereupon the ſheriff of ——, to wit, —— eſquire, did return to the ſaid lord the king, before the king himſelf, that the ſaid *C. D.* was not found in his bailiwick: And thereupon the ſaid ſheriff was commanded, as before, that he might have him before the ſaid lord the king on ——, whereſoever the ſaid lord the king ſhould then be in *England*, to anſwer the ſaid *A. B.* in the plea aforeſaid: At which day, that is to ſay, on ——, before the ſaid lord the king at *Weſtminſter*, the ſaid *A. B.* comes in his proper perſon, and offers himſelf on the fourth day againſt the ſaid *C. D.* in the plea aforeſaid; and the ſaid *C. D.* by —— his attorney

* The county or city where the bail was put in.

alſo comes, and defends the wrong and injury when, &c. And thereupon at the ſame day *E. F.* of, &c. and *G. H.* of, &c. come here into the court of the ſaid lord the king, before the king himſelf at *Weſtminſter*, in their proper perſons, and become pledges and manucaptors, and each of them by himſelf becomes pledge and manucaptor, for the ſaid *C. D.*, and acknowledge themſelves to owe, and each of them doth acknowledge himſelf to owe, to the ſaid *A. B.* the ſum of —— *l.* and do ſubmit and grant for themſelves and their heirs, and each of them doth ſubmit and grant for himſelf and his heirs, that the ſaid ſum of —— *l.* ſhall and may be made of their, and each of their, lands and chattels, and levied to and for the uſe of the ſaid *A. B.* in caſe the ſaid *C. D.* ſhall happen to be convicted in the plea aforeſaid, at the ſuit of the ſaid *A. B.* and if the ſaid *C. D.* ſhall not pay and ſatisfy unto the ſaid *A. B.* all ſuch damages, coſts and charges (or in debt, as well the ſaid debt or ſum of —— *l.* as all ſuch damages, coſts and charges) as ſhall be adjudged to the ſaid *A. B.* in the plea aforeſaid, or render himſelf to the cuſtody of the marſhal of the marſhalſea of the lord the king before the king himſelf, on that occaſion.

Kenyon.

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Entry or minute of render and commitment.

—— (to wit). *C. D.* the above defendant did this —— day of —— 179-, render himſelf (or was rendered) in diſcharge of his bail, at the ſuit of the above

above plaintiff, and was thereupon committed by Mr. Juſtice —— to the cuſtody of the marſhal, &c. there to remain until, &c.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of render.

Take notice, that the above defendant did this day render himſelf (or was this day rendered) in diſcharge of his bail, at the ſuit of the above plaintiff, and was thereupon committed by Mr. Juſtice —— to the cuſtody of the marſhal, &c. there to remain until, &c. Dated the —— day of —— 179-.

Your's, &c.

To Mr. *G. H.* attorney for plaintiff.

E. F. attorney for defendant (or for the bail, as the caſe is).

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Affidavit of ſervice of notice of render.

G. H. of, &c. clerk to *E. F.* gentleman, attorney for the defendant's bail in this cauſe, maketh oath and ſaith, that he this deponent did on the —— day of —— inſtant, perſonally ſerve Mr. —— the plaintiff's attorney, with a true copy of the notice hereunto annexed; and if the ſervice was on his clerk or ſervant, add, " by delivering the ſame to the clerk (or ſervant) of the ſaid Mr. —— at his houſe (or chambers) in —— in the county of ——."

G. H.

Sworn, &c.

Rule to return writ.

A. B. v. *C. D.* } It is ordered, that —— and —— ſheriffs of *London*, ſhall within four days next after notice of this rule, to be given to their ſecondaries, (or that —— ſheriff of the county of —— ſhall within —— days next after notice of this rule to be given to his under-ſheriff,) peremptorily return the writ of —— iſſued between the parties.

A. B. plaintiff,
and
C. D. defendant,

In the King's Bench.

Affidavit of ſervice of rule to return the writ, &c.

A. B. of, *&c.* maketh oath and ſaith, that he did on the —— day of —— inſtant, perſonally ſerve Mr. —— who acts as deputy ſecondary of the compters, (if in *London*; or if in *Middleſex*, Mr. —— who acts as deputy-ſheriff of the county of *Middleſex*; or if in any other county, Mr. —— who acts as under-ſheriff for the county of ——,) with a true copy of the rule hereunto annexed, and at the ſame time ſhewed him the ſaid original rule: And this deponent further ſaith, that he has this day ſearched at the office of the *cuſtos brevium* of this honourable court, for the return of the writ of —— iſſued in this cauſe, but that no ſuch writ was then filed there.

A. B.

Sworn, *&c.*

Return of *non eſt inventus*.

The within-named *C. D.* is not found in my bailiwick.

The anſwer of —— ſheriff,

Cepi corpus, et paratum habeo.

I have taken the within-named *C. D.*, whoſe body I have ready, as within I am commanded.

The anſwer, *&c.*

I have taken the within-named *C. D.*, whose body I have ready, as within I am commanded; but the within-named *E. F.* is not found in my bailiwick.

Cepi corpus as to one defendant, and *non est inventus* as to another.

The answer, &c.

By virtue of this writ to me directed, I made my certain warrant in writing under my seal of office to *E. F.* and *G. H.* my bailiffs, jointly and severally, to take and arrest the within-named *C. D.* by virtue of which warrant the said *E. F.* and *G. H.* afterwards and before the return of the said writ, to wit, on the —— day of —— last, at —— in my county, and within my bailiwick, took and arrested the within-named *C. D.*, according to the exigency of the said writ, and safely kept him in their custody, until *G. H.* of, &c. and divers other persons to my said bailiffs unknown, on, &c. at —— aforesaid, with force and arms, assaulted and ill-treated my said bailiffs, and the said *C. D.* out of the custody of my said bailiffs then and there rescued, and the said *C. D.* then and there with force and arms rescued himself, and escaped out of the custody of my said bailiffs, against the peace of our lord the now king; And afterwards the said *C. D.* is not found in my bailiwick.

Rescue.

The answer, &c.

By virtue, &c. I took the within-named *C. D.* and safely kept him in his majesty's prison in and for the said county, until afterwards, to wit, on, &c. by virtue of a certain other writ of our said lord the now king to me directed, and to this writ annexed, I caused the said *C. D.* to be delivered out of the said

Discharge on *supersedeas*.

ſaid priſon; wherefore I cannot have the body of the ſaid *C. D.* before our ſaid lord the king, at the day and place within contained, as within I am commanded.

The anſwer, *&c.*

Delivery over on habeas corpus.

By virtue, *&c.* I took the within-named *C. D.* and ſafely kept him, *&c.* until afterwards, to wit, on, *&c.* I received his ſaid majeſty's writ of *habeas corpus cum cauſâ*, commanding me to have the body of the ſaid *C. D.* before the right honourable *Lloyd* Lord *Kenyon*, his ſaid majeſty's chief-juſtice, aſſigned to hold pleas in the court of our lord the now king before the king himſelf, at his chambers ſituate in *Serjeants'-Inn, Chancery-Lane, London*, immediately after the receipt of that writ: by virtue of which ſaid writ, and in obedience thereto, I had the body of the ſaid *C. D.* with the ſaid laſt-mentioned writ, and the return of the within cauſe, mentioned in a certain ſchedule thereunto annexed, before his ſaid majeſty's chief-juſtice at his chambers aforeſaid, on the —— day of —— laſt, who then received of me the body of the ſaid *C. D.* and committed him to the priſon of the marſhal of the marſhalſea of our ſaid lord the king, before the king himſelf, and altogether diſcharged and exonerated me from further keeping the ſaid *C. D.* wherefore I cannot have the body of the ſaid *C. D.* before our ſaid lord the king, at the day and place within contained, as within I am commanded.

The anſwer, *&c.*

Languidus in priſonâ.

By virtue, *&c.* I have taken the within-named *C. D.*, who remains in his majeſty's priſon of ——, under

under my cuſtody, ſo weak and infirm, that without great peril and danger of his life, I cannot have his body before the lord the king, at the day and place within contained, as within I am commanded.

The anſwer, &c.

Mandavi ballivo, &c.

By virtue, &c. I have made my mandate to the bailiff of the liberty of —— to take and arreſt the within named *C. D.*, which ſaid bailiff hath the full return of all writs and proceſs, and the execution of the ſame, within the liberty aforeſaid, ſo that no execution of this writ can be made by me within the ſaid liberty; which ſaid bailiff hath not as yet given me any anſwer thereto. (Or hath anſwered, "that the within-named *C. D.* is not found in his bailiwick;" or "that he hath taken the within-named *C. D.* whoſe body he hath ready.")

The anſwer, &c.

Diſtringas ballivum.

George the Third, &c. To the ſheriff of ——, greeting: We command you, that you diſtrain *G. H.* bailiff of our liberty of ——, in your county, by all his lands and chattels in your bailiwick, ſo that neither he, nor any one by him, do lay hands on the ſame, until you receive another command from us in that behalf; and that you anſwer to us for the iſſues thereof, ſo that you have before us at *Weſtminſter*, on —— next after ——, (or by original, on —— whereſoever we ſhall then be in *England*,) the body of *E. F.* by him taken, and in our priſon under his cuſtody detained, as by your return heretofore by you ſent into our court before us you have charged the ſaid bailiff, to anſwer to *A. B.* of a plea of treſpaſs, and

alſo to a bill, &c. (or by original, the body of *E. F.* late of, &c. whom by our command the ſaid *G. H.* lately took, as you returned to us at *Weſtminſter*, on —— laſt paſt, to anſwer to *A. B.* of a plea of, &c.) and for the ſaid *G. H.* to hear his judgment thereupon of many defaults; and have there then (or, by original, have there) this writ. Witneſs, &c.

Entry thereof by original.

The ſheriff was commanded, that he ſhould take *C. D.* late of, &c. if, &c. and him ſafely keep, ſo that he might have his body before the lord the king on, &c. laſt paſt, whereſoever, &c. to anſwer to *A. B.* of a plea, &c. And now here at this day, comes the ſaid *A. B.* by *E. F.* his attorney, and offers himſelf on the fourth day againſt the ſaid *C. D.* of the plea aforeſaid; and the ſaid *C. D.* does not come: And the ſheriff returns, that he hath made his mandate to *G. H.* bailiff of the liberty of —— in the county aforeſaid, who has the return of all writs and proceſs and the execution of the ſame within the liberty aforeſaid, and within which the execution of that writ by him the ſaid ſheriff could not be made; which ſaid bailiff gave this anſwer to the ſaid ſheriff, that he had taken the body of the ſaid *C. D.* whoſe body he would have here at this day. And becauſe the ſaid bailiff hath not the body of the ſaid *C. D.* here at this day: Therefore the ſaid bailiff is in mercy, and amerced by the court of our lord the king here to —— *l.*; and it is commanded to the ſheriff, that he diſtrain the aforeſaid bailiff by all his lands, &c. and that he anſwer, &c. ſo that he have before the lord the king, on —— whereſoever, &c. the body of the ſaid *C. D.* whom, &c.

&c. to anſwer to the ſaid *A. B.* of the plea aforeſaid, &c.

George the Third, &c. To the coroner of the county of —— greeting: We command you, that you attach *C. D.* ſheriff of our ſaid county, ſo that you may have him before us on, &c. to anſwer to us, for certain treſpaſſes and contempts done and committed in our court before us; and have there this writ. Witneſs, &c.

Attachment againſt the ſheriff, for not bringing in the body.

By the court.

Templer.

By rule of court. *E. F.* clerk in court.

Indorſement.

A. B. v. *C. D.* } It is ordered, that —— and —— ſheriffs of *London*, ſhall within four days next after notice of this rule to be given to their ſecondaries, (or that —— ſheriff of the county of —— ſhall within —— days next after notice of this rule to be given to his under-ſheriff,) peremptorily bring into court the body of the defendant.

Rule to bring in the body.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

E. F. of, &c. clerk to *G. H.* gentleman, attorney for the plaintiff in this cauſe, maketh oath and ſaith, that he this deponent did on the —— day of —— inſtant, perſonally ſerve Mr. ——, who acts as deputy-ſecondary of the compters, (if in *London*; or if in *Middleſex*, Mr. ——, who acts as deputy-ſheriff of the county of *Middleſex*; or if in any other county, Mr. ——, who acts as under-ſheriff of the

Affidavit of ſervice of rule to bring in the body, &c.

county of ——,) with a true copy of the rule hereunto annexed, and at the ſame time ſhewed him the ſaid original rule: And this deponent further ſaith, that no bail above has been put in for the defendant in this cauſe, (or that bail above was put in, but that the ſame is not perfected).

E. F.

Sworn, &c.

Præcipe for *habeas corpus cum cauſâ.*

—— (to wit). *Habeas corpus* for *C. D.* to do and receive, &c. returnable immediately.

E. F. attorney.

Writ of *habeas corpus cum cauſâ*, to do and receive, &c.

George the Third, &c. To the ſheriff of ——, greeting: We command you, that you have the body of *C. D.* detained in our priſon under your cuſtody, as it is ſaid, under ſafe and ſecure conduct, together with the day and cauſe of his being taken and detained, by whatſoever name he may be called in the ſame, before our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, at his chambers, ſituate in *Serjeant's-Inn*, *Chancery-Lane*, *London*, immediately after the receipt of this writ, to do and receive all and ſingular thoſe things which our ſaid chief juſtice ſhall then and there conſider of him in this behalf; and have there then this writ. Witneſs *Lloyd* Lord *Kenyon*, at *Weſtminſter*, the —— day of —— in the —— year of our reign.

E. F. attorney. *Way.*

George

George the Third, &c. To the warden of our prison of the *Fleet*, greeting: We command you, that you have the body of *C. D.* detained in our prison under your custody, as it is said, under safe and secure conduct, together with the day and cause of his being taken and detained, by whatsoever name he may be called in the same, before us at *Westminster*, on —— next after ——, to answer *A. B.* in a plea of trespass, and also to a bill of the said *A. B.* to be exhibited against the said *C. D.* for —— *l.* upon promises; and further to do and receive all and singular those things which our said court before us shall then and there consider of him in this behalf; and have there then this writ. Witness, &c. *Habeas corpus ad respondendum.*

Way.

Oath for —— *l.* by affidavit filed.

E. F. attorney.

George the Third, &c. To the sheriff of ——, greeting: We command you, that you have the body of *C. D.* by you taken, and in our prison under your custody detained, (although sick,) as by your return, sent into our court before us, manifestly appears, (or as manifestly appears to us by the return of ——, late sheriff of the county aforesaid,) before us at *Westminster*, on —— next after ——, to answer to *A. B.* &c. The like, *licet languidus.*

—— (to wit). *Habeas corpus ad satisfaciendum* for *A. B.* against *C. D.* for —— *l.* damages, (or for —— *l.* debt, and —— *l.* damages and costs,) returnable, &c. *Præcipe* for *habeas corpus ad satisfaciendum.*

E. F. attorney.

George

Habeas corpus ad satisfaciendum.

George the Third, *&c.* To the warden of our prison of the *Fleet*, greeting: We command you, that you have before us at *Westminster*, on —— next after —— the body of *C. D.* under safe and secure conduct, detained in our prison under your custody, as it is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called in the same, to satisfy *A. B.* —— *l.* which the said *A. B.* lately in our court before us at *Westminster*, recovered against the said *C. D.* for his damages which he had sustained, as well by reason of the not performing certain promises and undertakings then lately made by the said *C. D.* to the said *A. B.* as for his costs and charges by him laid out about his suit in that behalf, (or if in debt, to satisfy *A. B.* as well a certain debt of —— *l.* which the said *A. B.* lately, in our court before us at *Westminster*, recovered against the said *C. D.* as also —— *l.* for his damages which he had sustained, as well by reason of detaining the said debt, as for his costs and charges, *&c.*) whereof the said *C. D.* is convicted, as appears to us of record; and further to do and receive what our said court before us shall then and there consider of him in this behalf; and have there then this writ. Witness, *&c.*

Direction of *habeas corpus*, to the marshal.

To the marshal of our prison of the *Marshalsea* before us.

Warden of the Fleet.

To the warden of our prison of the *Fleet*.

Mayor's court of London.

To the mayor, aldermen and sheriffs of *London*.

To

To the ſheriffs of the city of *London*. Sheriff's court of London.

To the ſheriff of ——. County-court.

To the judges of our palace-court of *Weſtminſter*, and to each of them. Marſhalſea.

To the ſteward of the court of the liberty of the mayor and commonalty and citizens of the city of *London*, of their town and borough of *Southwark* in the county of *Surry*, and alſo to the bailiff of the ſame liberty. Borough court of Southwark.

To the ſteward of our court of record, within the manors of *Stepney* and *Hackney* in the county of *Middleſex*, the hamlets and liberties of the ſame, and alſo to the prothonotary of the ſame court. Whitechapel court.

To the mayor, bailiffs and burgeſſes of the borough of *Abingdon* in the county of *Berks*, and to every of them. Abingdon.

To the mayor, recorder and aldermen, juſtices of our city of *Bath* in the county of *Somerſet*, and to every of them. Bath.

To the mayor, aldermen, burgeſſes and recorder of the town of *Bedford* in the county of *Bedford*. Bedford.

To the mayor, aldermen and ſheriffs of the city of *Briſtol*, and to the mayor and conſtables of the ſtaple of the ſame city, and alſo to the bailiffs of the mayor and commonalty of the ſame city of *Briſtol*, of their court of Tolſey, and to the bailiffs Briſtol.

of the ſaid mayor and commonalty of the ſame city of their court of Piepowder, and to every of them.

Buckingham. To the bailiff and burgeſſes of the town of *Buckingham* in the county of *Buckingham*.

Cambridge. To the mayor and bailiffs of the town of *Cambridge*.

Carliſle. To the mayor, aldermen, bailiffs and citizens of our city of *Carliſle* in the county of *Cumberland*.

Coventry. To the mayor, bailiffs and commonalty of our city of *Coventry*.

Derby. To the mayor and burgeſſes of our borough of *Derby* in the county of *Derby*.

Exeter. To the mayor and bailiffs of our city of *Exeter* in the county of *Devon*, and to the bailiffs, citizens and provoſts of the ſame city.

Glouceſter. To the mayor, aldermen and ſheriffs of our city of *Glouceſter*.

Hereford. To the mayor, aldermen and citizens of our city of *Hereford*.

Hertford. To the mayor and capital burgeſſes of the borough of *Hertford* in the county of *Hertford*, and alſo to the ſteward of our court of record there.

Huntingdon. To the mayor, aldermen and burgeſſes of the borough of *Huntingdon* in the county of *Huntingdon*.

To the mayor and ſheriffs of our town and county of the town of *Kingſton-upon-Hull* in the county of *York*. Kingſton-upon-Hull.

To the bailiffs and ſteward of our court of our town of *Kingſton-upon-Thames*; and in the abſence of the ſaid ſteward, to the bailiffs and recorder of the ſame town, or any two of them. Kingſton-upon-Thames.

To the mayor, ſheriffs and citizens of our city of *Lincoln*. Lincoln.

To the bailiffs, burgeſſes and citizens of our city of *Litchfield*. Litchfield.

To the mayor and bailiffs of our borough of *Liverpool* in the county of *Lancaſter*. Liverpool.

To the recorder, bailiffs and capital burgeſſes of our borough of *Ludlow* in the county of *Salop*. Ludlow.

To the mayor and bailiffs of our town of *Monmouth*. Monmouth.

To the mayor, aldermen and burgeſſes of our borough of *Newbury* in the county of *Berks*. Newbury.

To the mayor and bailiffs of our town and borough of *Northampton* in the county of *Northampton*. Northampton.

To the mayor, aldermen and ſheriffs of our county of the city of *Norwich*. Norwich.

To the mayor and burgeſſes of our town of *Nottingham*. Nottingham.

Oxford. To the mayor and bailiffs of our city of *Oxford* in the county of *Oxford*.

Portſmouth. To the mayor, aldermen and burgeſſes of our borough of *Portſmouth* in the county of *Southampton*.

Southampton. To the mayor and bailiffs of our town of *Southampton*.

Worceſter. To the mayor, recorder and aldermen of our city of *Worceſter*.

York. To the mayor, aldermen and ſheriffs of our city of *York*.

Bail-piece on *habeas corpus*.

—— term, in the —— year of the reign of King *George* the Third.

Way.

——, (to wit). *C. D.* is delivered to bail upon *habeas corpus*,

to *E. F.* of ——,

and

G. H. of ——,

Oath for —— *l.*

J. K. attorney. At the ſuit of the plaintiff in the plaint.

Recognizance of bail upon *habeas corpus*.

You do jointly and ſeverally undertake, that if the defendant be condemned at the ſuit of the plaintiff (or plaintiffs) in the plaint, that he ſhall ſatisfy the coſts

coſts and condemnation, or render himſelf to the cuſtody of the marſhal of the marſhalſea of the court of King's Bench, or you will do it for him.

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Notice of bail being put in on *habeas corpus*,

Take notice, that ſpecial bail was this day put in upon the *habeas corpus* iſſued in this cauſe, before the honorable Mr. Juſtice ——, at his chambers in *Serjeants'-Inn, Chancery-Lane, London*; and the names of the bail are —— of —— and —— of ——. Dated, *&c.*

Yours, *&c.*
E. F. defendant's attorney.

To Mr. *G. H.* attorney
for the plaintiff.

Notice of juſtification of bail,

Take notice, that the bail already put in for the defendant in this cauſe, upon the writ of *habeas corpus*, and of whom you have had notice, will on —— next, juſtify themſelves in open court, at *Weſtminſter-hall* in the county of *Middleſex*, as good bail for the ſaid defendant. Dated, *&c.*

Yours, *&c.*
E. F. defendant's attorney.

To Mr. *G. H.* attorney
for the plaintiff.

Procedendo on *habeas corpus*,

George the Third, *&c.* To the ſheriff of ——, greeting: Although we lately by our writ commanded you, that you ſhould have the body of *C. D.* detained in our priſon under your cuſtody, as it was

ſaid, under ſafe and ſecure conduct, together with the day and cauſe of his being taken and detained, by whatſoever name the ſaid *C. D.* might be called in the ſame, before our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief juſtice aſſigned to hold pleas in our court before us, at his chambers ſituate in *Serjeants'-Inn*, *Chancery-Lane*, *London*, immediately after the receipt of that writ, to do and receive all and ſingular thoſe things which our ſaid chief-juſtice ſhould then and there conſider of him in that behalf; yet we being now moved with certain cauſes in our court before us, command you, and every of you, that in all plaints and ſuits againſt the ſaid *C. D.* at the ſuit of *A. B.* in our court before you, or any of you, levied or affirmed, or before you or any of you now depending undetermined, you proceed with what ſpeed you can, in ſuch manner, according to the law and cuſtom of *England*, as you ſhall ſee proper, our ſaid writ to you thereupon before directed to the contrary thereof in any wiſe notwithſtanding. Witneſs *Lloyd* Lord *Kenyon*, &c.

Way.

Certiorari to remove a cauſe from an inferior court.

George the Third, *&c.* To —— greeting: We being willing for certain cauſes, to be certified of a plaint levied in our court before you againſt *C. D.* at the ſuit of *A. B.* of a plea of treſpaſs on the caſe, (or as the plea is,) command you that you ſend to us at *Weſtminſter*, on —— next after ——, the plaint aforeſaid, with all things touching the ſame, as fully and

and entirely as it remains in our court before you, by whatſoever names the parties may be called therein, together with this writ, that we may further cauſe to be done thereupon, what of right we ſhall ſee fit to be done. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, to the mayor, &c. of *London*, to remove a bill original and attachment.

George the Third, *&c.* To the mayor, aldermen and ſheriffs of *London*, greeting: We being willing for certain cauſes, to be certified as well of a certain bill original in our court before you, or ſome of you, levied or affirmed againſt *C. D.* late of ——, at the ſuit of *A. B.*, of a plea of debt on demand for —— *l.* as of a certain attachment thereupon made of —— *l.* in the hands and cuſtody of *E. F.* being attached and defended; command you and every of you, that you ſend to us at *Weſtminſter*, on —— next after ——, the bill original and attachment aforeſaid, with all things touching the ſame, as fully and entirely as they remain in our court before you, or any of you, by whatſoever names the parties may be called therein, together with this writ, that we may further cauſe to be done thereupon, what of right we ſhall ſee fit to be done. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, to the mayor, &c. of *Briſtol*, to remove all plaints and attachments.

George the Third, *&c.* To the mayor, aldermen and ſheriffs of the city of *Briſtol*, and to the mayor and conſtables of the ſtaple of the ſame city, and alſo to the bailiffs of the mayor and commonalty of the ſame city of *Briſtol* of their court of Tolſey, and to the bailiffs of the ſaid mayor and commonalty of the ſame city of their court of piepowder, and every of them,

them, greeting: We being willing for certain cauſes, to be certified as well of all plaints in our court before you, or any of you, levied or affirmed againſt *C. D.* at the ſuit of *A. B.* as of all attachments upon thoſe plaints, or any of them, made in the hands of *E. F.* and *G. H.* or either of them; command you, and every of you, that you ſend the ſaid plaints and attachments, and every of them, with all things touching the ſame, before us at *Weſtminſter*, on —— next after ——, as fully and entirely as they remain before you, or any of you, together with this writ, that we may further cauſe to be done thereupon, what of right we ſhall ſee fit to be done. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, to remove a plaint from the Common-Pleas at *Lancaſter*.

George the Third, &c. To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: We being willing for certain cauſes, to be certified of a certain plaint in our court of common-bench for our ſaid county palatine againſt *C. D.* at the ſuit of *A. B.* of a plea of treſpaſs; do command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to one prothonotary of our ſaid court of common-bench for our ſaid county-palatine of *Lancaſter*, you command the ſame prothonotary, that he certify to you without delay the plaint aforeſaid, with all things touching the ſame, as fully and entirely as it remains before him, by whatſoever names the ſaid *C. D.* and *A. B.* may be called in the ſame, that you may certify the ſame to us at *Weſtminſter*, on —— next after ——, together with this writ, that we may further cauſe

cauſe to be done thereupon, what of right we ſhall ſee fit to be done. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, to remove the tranſcript of a judgment, &c. on the ſtat. 33 Geo. III. c. 68.

George the Third, *&c.* To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: We being willing for certain cauſes, to be certified of the proceedings in a certain cauſe, lately depending in our court before our juſtices at *Lancaſter*, by our writ, between *A. B.* and *C. D.* of a plea of treſpaſs upon the caſe, (or as the plea is,) and of the judgment thereupon obtained in our ſaid court; do command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to our ſaid juſtices at *Lancaſter* aforeſaid, you cauſe to be given in charge to the ſaid juſtices, that they ſend to you under their ſeals, into the chancery of our ſaid county-palatine, the tranſcript of the proceedings in the ſaid cauſe, and of the record of the ſaid judgment therein, with all things touching the ſame, which are in their cuſtody, as it is ſaid, by whatſoever names the parties may be called therein, on —— next enſuing, and our writ thereupon made and directed as aforeſaid; and that you ſend to us diſtinctly and plainly, under the ſeal of our ſaid county-palatine, the tranſcript of the proceedings and judgment aforeſaid, with all things touching the ſame, and this writ, ſo that we may have them on, *&c.* whereſoever we ſhall then be in *England*, and further do thereupon, what of right and according to the form of the ſtatute in ſuch caſe made and provided, ſhall be meet to be done. Witneſs *Lloyd* Lord *Kenyon*, &c.

George

Procedendo on a *certiorari* to the mayor's court of *London*.

George the Third, &c. To the mayor, aldermen and ſheriffs of *London*, greeting: Whereas we being willing, for certain cauſes, to be certified as well of a certain bill original in our court before you, or ſome of you, levied or affirmed againſt *C. D.* late of ——, at the ſuit of *A. B.* of a plea of debt on demand for —— *l.* as of a certain attachment thereupon made of —— *l.* in the hands and cuſtody of *E. F.* being attached and defended, lately by our writ commanded you and every of you, that you ſhould ſend the bill original and attachment aforeſaid, with all things touching the ſame, as fully and entirely as they remained in our court before you, or any of you, by whatſoever names the parties might be called therein, before us at *Weſtminſter*, on —— next after ——, together with that writ, that we might further cauſe to be done thereupon, what of right we ſhould ſee fit to be done: Nevertheleſs for certain cauſes, now ſpecially moving us in our court before us, we command you, and every of you, that as well in the bill original aforeſaid, in our ſaid court before you, or ſome of you, levied or affirmed againſt the ſaid *C. D.* at the ſuit of the ſaid *A. B.* in the plea aforeſaid, as in the attachment aforeſaid thereupon made of the ſaid —— *l.* in the hands and cuſtody of the ſaid *E. F.* with what ſpeed you can, you proceed in ſuch manner, according to the law and cuſtom of *England*, as you ſhall ſee proper, our writ of *certiorari* aforeſaid to you thereupon before directed to the contrary thereof in anywiſe notwithſtanding. Witneſs *Lloyd* Lord *Kenyon*, &c.

—— term

—— term in the —— year of the reign of King *George* the Third.

—— (to wit). *A. B.* complains of *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our lord the now king, before the king himſelf; for that whereas, &c.

Beginning of a bill againſt a priſoner in cuſtody of the marſhal.

—— (to wit). *Be it remembered*, that on the —— day of —— in the —— year of the reign of our lord the now king, (a day after the cauſe of action accrued) *A. B.* brought into the office of the clerk of the declarations of the court of our ſaid lord the king himſelf, according to the courſe and practice of the ſame court, his certain bill againſt *C. D.* being in the cuſtody, &c. of a plea of treſpaſs on the caſe, &c. (or as the plea is,) and filed the ſame bill as of —— term, in the —— year of the reign of our ſaid lord the king; which ſaid bill follows in theſe words, (that is to ſay): ——, (to wit,) *A. B.* complains of *C. D.* being, &c.

The like, where the cauſe of action ariſes and the bill is filed in vacation.

—— (to wit). *A. B.* complains of *C. D.* being in the cuſtody of the ſheriff of —— by virtue of a certain precept called a bill of *Middleſex*, (or by virtue of a certain writ of our lord the king called a *latitat*, or *alias capias*, &c.) iſſuing out of the court of our ſaid lord the king, before the king himſelf, at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* and returnable in the ſame court on —— next after —— in this ſame term; for that whereas, &c.

Beginning of a declaration, where defendant is in cuſtody of the ſheriff.

—— (to wit). *A. B.* complains of *C. D.* being in the cuſtody of the ſheriff of the county-palatine of

The like, where defendant is in cuſtody of the ſheriff of a county-palatine.

of —— by virtue of a certain writ of our lord the now king called a *latitat*, iſſuing out of the court of our ſaid lord the king, before the king himſelf, at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* directed to ——, and alſo by virtue of a certain other writ of our ſaid lord the king, under the ſeal of the ſaid county-palatine, thereupon duly made and directed to the ſheriff of the ſame county-palatine; for that whereas, *&c.*

Vide ante, p. 13, 34.

The like, where the defendant is in cuſtody of an officer of a particular franchiſe.

—— (to wit). *A. B.* complains of *C. D.* being in the cuſtody of —— by virtue of a certain writ of our lord the now king called a *latitat*, iſſuing out of the court of our ſaid lord the king, before the king himſelf, at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.*, and alſo by virtue of the ſaid ſheriff's mandate on the ſaid writ, directed to —— aforeſaid, of a plea of treſpaſs on the caſe, *&c.* (or as the plea is); for that whereas, *&c.*

The like, againſt two defendants, where one is in cuſtody of the ſheriff, and the other of the marſhal.

—— (to wit). *A. B.* complains of *C. D.* and *E. F.* the ſaid *C. D.* being in the cuſtody of the ſheriff of —— by virtue of a certain precept called a bill of *Middleſex*, (or by virtue of a certain writ of our lord the now king called a *latitat*, or *alias capias*, &c.) iſſuing out of the court of our lord the king before the king himſelf, at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* and the ſaid *E. F.* being in the cuſtody of the marſhal, *&c.*; for that whereas, *&c.*

In

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

E. F. of, &c. gentleman, maketh oath and ſaith, that he did, on the —— day of —— laſt paſt, deliver unto *G. H.* gaoler or keeper of his majeſty's gaol in and for the county of ——, a true copy of the declaration hereunto annexed; and the ſaid gaoler or keeper then acknowledged to this deponent, that the ſaid defendant was a priſoner in the ſaid gaol: And this deponent further ſaith, that the ſaid defendant was arreſted (or charged in cuſtody) at the ſuit of the ſaid plaintiff, by virtue of a certain writ of *latitat* iſſued out of this honourable court, and returnable before the delivery of the ſaid declaration.

Affidavit of the delivery of a copy of the declaration.

E. F.

Sworn, &c.

A. B. v. *C. D.* } It is ordered, that the marſhal of the marſhalſea of this court ſhall bring the defendant into this court, within three days next after notice of this rule to be given to him, or ſhall give a note in writing under his hand, acknowledging the defendant to be in his actual cuſtody, or ſhall ſhew cauſe to the contrary within the time aforeſaid, upon notice thereof being given to the attorney for the plaintiff.

Rule on the marſhal to acknowledge the defendant in his cuſtody.

—— (to wit). *C. D.* is committed to the cuſtody of the marſhal, &c. in execution, at the ſuit of *A. B.* in a plea of treſpaſs on the caſe for —— *l.* damages,

*Committitur-*piece.

damages, (or in a plea of debt for —— *l.* and —— *l.* damages,) there to remain until, &c.

Judgment of —— term, ——
George the Third. Roll ——.
E. F. attorney.

Entry of *committitur.*

Afterwards, (to wit,) on —— next after —— in the —— year of the reign of our lord the now king, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſaid *C. D.* being then preſent here in court, at the prayer of the ſaid *A. B.* by the court of our ſaid lord the king now here, is committed to the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, in execution for the damages (or for the debt and damages) aforeſaid, there to remain until the ſaid *A. B.* ſhall be fully ſatisfied the damages (or debt and damages) aforeſaid.

Gaoler's certificate for the diſcharge of a priſoner.

I *E. F.* keeper of the county-gaol of ——, do certify, that *C. D.* was on the —— day of —— laſt, (or *A. D.* 179-,) committed to the county-gaol of —— by virtue of a writ of *latitat* iſſued out of his majeſty's court of King's Bench at *Weſtminſter*, returnable on —— next after ——, at the ſuit of *A. B.* in a plea of, &c.: And I do further certify, that ſince the ſaid commitment, there has not been delivered to me, or my turnkey, any declaration againſt him the ſaid *C. D.* at the ſuit of the ſaid *A. B.* or any other perſon whatſoever; and that no writ of *habeas corpus* has been brought for the removal of the ſaid *C. D.* Witneſs my hand, &c.

E. F.

In

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Affidavit of gaoler's ſignature thereto.

G. H. of, *&c.* maketh oath and ſaith, that he this deponent did, on the —— day of —— laſt, ſee *E. F.* keeper of his majeſty's gaol in and for the county of ——, ſubſcribe his name to the certificate hereunto annexed, and that at the ſame time he this deponent ſubſcribed his name as a witneſs to the ſaid certificate, and that *J. K.* of, *&c.* did then alſo ſubſcribe his name as a witneſs to the ſaid certificate, in the preſence of this deponent.

G. H.

Sworn, *&c.*

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Affidavit of ſervice and attendance on ſummons (or ſummonſes) for priſoner's diſcharge.

E. F. of, *&c.* clerk to Mr. *G. H.* attorney for the defendant in this cauſe, maketh oath and ſaith, that he this deponent on the —— day of this inſtant ——, ſerved the ſummons hereunto annexed, by delivering a true copy thereof to Mr. *J. K.* the attorney for the plaintiff in this cauſe, and at the ſame time ſhewing him the ſaid original ſummons: (Or if there are three ſummonſes, "that he this deponent on the ——, ——, and —— days of this inſtant ——, ſeverally ſerved the three ſeveral ſummonſes hereunto annexed, by ſeverally delivering true copies thereof to Mr. *J. K.* the attorney, *&c.* and at the ſame time ſhewing him the ſaid three annexed ſummonſes:") And this deponent further ſaith, that he hath this day duly attended on the ſaid ſummons, but

but that the ſaid Mr. *J. K.* or his agent hath not attended thereon. (Or if there are three ſummonſes, "that on the three ſeveral days and times in the ſaid three ſummonſes reſpectively mentioned, he hath accordingly duly attended thereon, but that the ſaid Mr. *J. K.* or his agent did not on any or either of the three ſeveral days or times aforeſaid attend on the ſame.")

E. F.

Sworn, *&c.*

Præcipe for *ſuperſedeas.*

—— (to wit). *Superſedeas, C. D.* at the ſuit of *A. B.*

E. F. attorney.

—— 179-.

Writ of *ſuperſedeas* for not declaring upon a *latitat.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, that you ſhould take *C. D.* if he ſhould be found in your bailiwick, and him ſafely keep, ſo that you might have his body before us at *Weſtminſter*, on —— next after ——, to anſwer *A. B.* of a plea of treſpaſs, and alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for —— *l.* upon promiſes, (or as the plea is,) according to the cuſtom of our court before us: And becauſe the ſaid *A. B.* hath not declared againſt the ſaid *C. D.* within two terms next after the return of the ſaid writ, and the ſaid *C. D.* hath come into our ſaid court before us, and filed common bail at the ſuit of the ſaid *A. B.* in the plea and to the bill aforeſaid: Therefore we command you, that you wholly ceaſe from taking, attaching, impriſoning, or in any-wiſe moleſting

moleſting the ſaid *C. D.* on the occaſion aforeſaid; and if you have taken the ſaid *C. D.* and detain him in priſon on that occaſion, and no other, that then without delay you cauſe him to be delivered out of the priſon wherein he is ſo detained, at your peril. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, by original.

George the Third, &c. To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, that you ſhould take *C. D.* late of, &c. if he ſhould be found in your bailiwick, and him ſafely keep, ſo that you might have his body before us on ——, wherefoever we ſhould then be in *England*, to anſwer *A. B.* of a plea of treſpaſs on the caſe upon promiſes, to the damage of the ſaid *A. B.* of —— *l.* (or as the plea is): And becauſe the ſaid *A. B.* hath not declared, &c. and the ſaid *C. D.* hath come into our court before us, and appeared at the ſuit of the ſaid *A. B.* in the plea aforeſaid: Therefore we command you, &c. (as before).

The like, for not proceeding to trial or final judgment.

George the Third, &c. To the ſheriff of ——, greeting: Whereas *C. D.* is detained in our priſon under your cuſtody, by virtue of a certain writ of *latitat* (or ſpecial *capias ad reſpondendum*) iſſuing out of our court before us, and returnable on, &c. to anſwer *A. B.* of a plea of treſpaſs, and alſo to a bill, &c. (as in the writ): And whereas the ſaid *C. D.* in —— term laſt paſt was charged with a declaration, at the ſuit of the ſaid *A. B.* upon the ſaid writ: But becauſe it appears to us, that the ſaid *A. B.* hath not proceeded to trial or final judgment againſt the ſaid *C. D.* within three terms next after the delivery of

the ſaid declaration, according to the courſe and practice of our court before us; and becauſe the ſaid *C. D.* hath come into our ſaid court before us, and filed common bail (or appeared) at the ſuit of the ſaid *A. B.* in the plea (or in the plea and to the bill) aforeſaid: Therefore we command you, that you wholly ceaſe from further taking, *&c.* (as before).

The like, to the warden of the Fleet, where the priſoner had rendered himſelf in diſcharge of his bail in K. B. and was removed to the Fleet by *habeas corpus*.

George the Third, *&c.* To the warden of our priſon of the *Fleet*, greeting: Whereas *C. D.* was lately committed to and is detained in our ſaid priſon under your cuſtody, upon and by virtue of our writ of *habeas corpus cum cauſâ*, directed to the marſhal of our priſon of the marſhalſea, charged at the ſuit of *A. B.* in a plea of treſpaſs on the caſe (or as the plea is) depending in our court before us at *Weſtminſter*, whereupon the ſaid *C. D.* had rendered himſelf in diſcharge of his bail in the plea aforeſaid: And becauſe it appeareth to our juſtices at *Weſtminſter*, that the ſaid *A. B.* hath not proceeded to trial or final judgment againſt the ſaid *C. D.* in the plea aforeſaid, in due time, according to the rules of our ſaid court before us: We command you, that if the ſaid *C. D.* be detained in our ſaid priſon of the *Fleet* under your cuſtody, for the cauſe aforeſaid and no other, then that you permit him to go at large, as you will anſwer the contrary at your peril. Witneſs *John* Lord *Elden*, &c.

The like, for not charging the defendant in execution.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* is detained, *&c.* (as in the form preceding the laſt, to the end of the ſtatement of

of the writ, then as follows): And whereas the ſaid *A. B.* in —— term laſt paſt, obtained judgment in our court before us againſt the ſaid *C. D.* upon the ſaid writ: But becauſe it appears to us, that the ſaid *A. B.* hath not proceeded to charge the ſaid *C. D.* in execution within two terms after the ſaid judgment ſo obtained, according to the courſe and practice of our ſaid court before us; and becauſe the ſaid *C. D.* hath come into our ſaid court before us, and filed common bail, &c. (as before).

The like, upon the defendant's putting in good bail.

George the Third, &c. To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, &c. (reciting the writ as in a *ſuperſedeas* for not declaring): And becauſe the ſaid *C. D.* came into our court before us, and found ſufficient bail to anſwer the ſaid *A. B.* of the plea (or of the plea and to the bill) aforeſaid: Therefore we command you, &c. (as before).

The like, when the defendant is in cuſtody of the marſhal.

George the Third, &c. To the marſhal of our marſhalſea before us, greeting: Whereas *C. D.* was lately committed to our priſon under your cuſtody, for want of good bail, at the ſuit of *A. B.* in a plea of, &c. And becauſe, &c. (as in the laſt).

Articles of clerkſhip.

ARTICLES of agreement indented, had, made, concluded and fully agreed upon the —— day of ——, in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, *&c.* and in the year of our Lord 179-, between *A. B.* of, *&c.* gentleman, one of the attornies of his majeſty's courts of King's Bench and Common Pleas at *Weſtminſter*, and a ſolicitor in the high court of Chancery, of the one part, and *C. D.* of, *&c.* and *E. F.* ſon of the ſaid *C. D.* of the other part: Witneſs, that the ſaid *E. F.* of his own free will, and by and with the conſent and approbation of the ſaid *C. D.* his father, hath put, placed and bound himſelf, and by theſe preſents doth put, place and bind himſelf clerk to the ſaid *A. B.* to ſerve him from the day of the date hereof, for and during and until the full end and term of five years from hence next enſuing, and fully to be complete and ended: And the ſaid *C. D.* doth for himſelf, his heirs, executors and adminiſtrators, covenant, promiſe and agree to and with the ſaid *A. B.*, his executors, adminiſtrators and aſſigns, by theſe preſents, in manner following, (that is to ſay); that the ſaid *E. F.* ſhall and will well and faithfully ſerve the ſaid *A. B.* as his clerk, in the profeſſion of an attorney at law and ſolicitor in Chancery, from the day of the date hereof, for and during the ſaid term of five years: And that he the ſaid *E. F.* ſhall not, at any time during the ſaid term of five years, cancel, obliterate, ſpoil, deſtroy, waſte, embezzle, ſpend or make away with any of the books, papers, writings, monies, ſtamps or other

property of the ſaid *A. B.*, his executors, adminiſtrators or aſſigns, or any of his clients or employers, which ſhall be depoſited in his hands, or intruſted to his cuſtody or poſſeſſion, or to the care, cuſtody or poſſeſſion of him the ſaid *E. F.*: And that in caſe he the ſaid *E. F.* ſhall act contrary to the laſt-mentioned covenant, or if he the ſaid *A. B.* his executors, adminiſtrators or aſſigns ſhall ſuſtain or ſuffer any loſs, damage or prejudice, by the miſbehaviour or neglect of the ſaid *E. F.* he the ſaid *C. D.* his executors or adminiſtrators ſhall make good and reimburſe him the ſaid *A. B.* the amount or value thereof: And further, that he the ſaid *E. F.* ſhall and will, from time to time, and at all times during the ſaid term of five years, keep the ſecrets of the ſaid *A. B.* and readily and cheerfully obey and execute his lawful and reaſonable commands; and ſhall not depart, or abſent himſelf from the ſervice or employ of the ſaid *A. B.* at any time during the ſaid term, without his conſent firſt obtained, but ſhall, from time to time, and at all times during the ſaid term, conduct himſelf with all due diligence, honeſty, ſobriety and temperance: And that he the ſaid *C. D.* his executors and adminiſtrators ſhall and will, from time to time, and at all times during the ſaid term of five years, at his and their proper coſts, find and provide the ſaid *E. F.* with all and all manner of neceſſary and becoming apparel and waſhing, and alſo phyſic and ſurgery in caſe of ſickneſs. And the ſaid *E. F.* doth hereby, for himſelf and on his part, conſent and agree to and with the ſaid *A. B.* his executors, adminiſtrators and aſſigns, that he the ſaid *E. F.* ſhall and will truly and honeſtly ſerve him

the ſaid *A. B.* at all times for and during the ſaid term, as a faithful clerk ought to do, in all things whatſoever, in the manner above ſpecified. In conſideration whereof, and of the ſum of —— *l.* of lawful money of *Great Britain*, by the ſaid *C. D.* to the ſaid *A. B.* in hand well and truly paid, at or before the ſealing and delivery of theſe preſents, (the receipt whereof he the ſaid *A. B.* doth hereby acknowledge, and of and from the ſame and every part thereof, doth acquit, releaſe and diſcharge the ſaid *C. D.* his executors and adminiſtrators, and every of them for ever, by theſe preſents,) he the ſaid *A. B.* for himſelf, his heirs, executors and adminiſtrators, doth covenant, promiſe and agree to and with the ſaid *C. D.* his executors and adminiſtrators, by theſe preſents, in manner following, (that is to ſay); that he the ſaid *A. B.* ſhall and will accept and take the ſaid *E. F.* as his clerk, and ſhall and will find and provide him during the ſaid term, with board and lodging: And alſo that he the ſaid *A. B.* ſhall and will, by the beſt ways and means he may or can, and to the utmoſt of his ſkill and knowledge, teach and inſtruct, or cauſe to be taught and inſtructed the ſaid *E. F.* in the ſaid practice or profeſſion of an attorney at law and ſolicitor in Chancery, which he the ſaid *A. B.* now doth, or ſhall at any time hereafter during the ſaid term, uſe or practiſe: And alſo ſhall and will, at the expiration of the ſaid term, uſe his beſt means and endeavours, at the requeſt, coſts and charges of the ſaid *C. D.* and *E. F.* or either of them, to cauſe and procure him the ſaid *E. F.* to be admitted and ſworn an attorney of his majeſty's ſaid courts of King's Bench and Common Pleas, or either

either of them, or any other of his ſaid majeſty's courts of law or equity, provided he the ſaid *E. F.* ſhall have well and faithfully ſerved his ſaid intended clerkſhip. In witneſs, &c.

Affidavit of execution of articles.

G. H. of, &c. maketh oath and ſaith, that by articles of agreement, bearing date the —— day of —— laſt paſt, and made between *A. B.* of, &c. gentleman, one of the attornies of his majeſty's courts of King's Bench and Common Pleas at *Weſtminſter*, and a ſolicitor in the high court of Chancery, of the one part, and *C. D.* of, &c. and *E. F.* ſon of the ſaid *C. D.* of the other part, the ſaid *E. F.* for the conſiderations therein mentioned, did put, place and bind himſelf clerk to the ſaid *A. B.* to ſerve him in the profeſſion of an attorney at law and ſolicitor in Chancery, from the day of the date of the ſaid articles, for the term of five years from thence next enſuing, and fully to be complete and ended; and which ſaid articles were in due form of law executed by the ſaid *A. B.*, *C. D.*, and *E. F.*, in the preſence of this deponent and *J. K.* of, &c. and that the names of *G. H.* and *J. K.* ſet and ſubſcribed as witneſſes to the due execution thereof, are of the proper handwriting of this deponent and the ſaid *J. K.*

G. H.

Sworn, &c.

In the King's Bench.

Affidavit of payment of ſtamp-duty on articles.

E. F. of, *&c.* maketh oath and ſaith, that by articles of agreement bearing date, *&c.* and made and entered into between *A. B.* then and now of, *&c.* gentleman, one of the attornies, *&c.* of the one part, and *C. D.* of, *&c.* and this deponent of the other part, this deponent did put, place, and bind himſelf clerk to the ſaid *A. B.* to ſerve him in the profeſſion of an attorney at law and ſolicitor in Chancery, from the day of the date of the ſaid articles, for the term of five years from thence next enſuing, and fully to be complete and ended: And this deponent further ſaith, that the ſaid articles were executed on the day they bear date; and that on the —— day of —— in the year of our Lord 179-, the ſum of —— *l.* was paid in reſpect of the duty on the ſaid articles; and which articles were on the —— day of —— inrolled with the proper officer appointed for that purpoſe in this honourable court: And (in caſe the perſon has been admitted in another court) this deponent further ſaith, that he was on the —— day of —— in the year of our Lord 179-, admitted an attorney in his majeſty's court of ——.

E. F.

Sworn, *&c.*

Notice of intention to apply for admiſſion as an attorney.

Notice is hereby given, that *E. F.* of, *&c.* now under articles of clerkſhip to *A. B.* of, *&c.* attorney at law, intends to apply next —— term, to be admitted an attorney of his majeſty's court of King's Bench. Dated this —— day of ——, 179-.

E. F.

E. F. of, *&c.* gentleman, maketh oath and ſaith, that he hath really and truly ſerved and been employed by *A. B.* of, *&c.* gentleman, as his clerk in the practice of an attorney and ſolicitor, for the full term of five years, purſuant to the articles hereunto annexed: And this deponent further ſaith, that he did, previous to laſt —— term, affix the name and place of abode of him this deponent, and alſo the name and place of abode of the ſaid *A. B.* his maſter, in the King's Bench office, and on the outſide of the court of King's Bench in *Weſtminſter-hall*; and that he did alſo, previous to the ſame term, likewiſe enter his name and place of abode, as well as the name and place of abode of the ſaid *A. B.* in the book kept for that purpoſe, at the chambers of each of the judges of his majeſty's court of King's Bench.

Affidavit of ſervice under articles.

I *E. F.* do ſwear, (or if a quaker, do affirm,) that I will truly and honeſtly demean myſelf in the practice of an attorney, according to the beſt of my knowledge and ability.

So help me God.

Oath or affirmation on admiſſion.

George the Third, *&c.* To the judges of our court of our palace of *Weſtminſter*, and to every of them, greeting: Whereas according to the cuſtom of our court before us at *Weſtminſter*, hitherto uſed and approved of in the ſame, the attornies of the ſame court before us, whilſt they are proſecuting or defending ſuits and actions therein for their clients, ought not, nor have they from time immemorial, been uſed to be compelled to anſwer before any of our juſtices or officers, or other ſecular judges whatſoever,

Writ of privilege.

ſoever, upon any pleas, plaints or demands, which do not particularly relate to us, (pleas of freehold, felonies and appeals excepted,) ſave only before us, by bill exhibited in our ſaid court before us, and not by writ: And whereas we have lately received information, by the complaint of *A. B.* gentleman, one of the attornies of our ſaid court, that ſeveral ill-diſpoſed perſons, intending to diſquiet the ſaid *A. B.* have iſſued forth and proſecuted out of our court of our palace of *Weſtminſter*, one or more writ or writs, returnable before you in the ſame court, or one or more precept or precepts, returnable in our ſaid court before you or one of you, againſt the ſaid *A. B.* and threaten to arreſt and detain him in your cuſtody thereupon, in ſuits that do not relate to us, or pleas of freehold, felonies or appeals, whereby the ſaid *A. B.* is unable to attend his ſaid office as an attorney upon ſeveral affairs and ſuits depending in our ſaid court before us; which if it be permitted, will not only take away, and be in derogation and diminution of the juriſdiction of our ſaid court before us, and the liberties and privileges thereof, but alſo to the great detriment of the ſaid *A. B.* and his clients: And becauſe we are willing that the juriſdictions, privileges and cuſtoms for ſo long time uſed and approved in our ſaid court before us, ſhould be inviolably kept and preſerved: We command you, and every of you, that you deſiſt from taking the ſaid *A. B.* into your cuſtody, upon any writ or writs, precept or precepts; and if the ſaid *A. B.* be detained in your cuſtody by any writ or writs, precept or precepts, other than ſuch as particularly relate to us, (pleas of freehold, felonies and appeals only excepted,)

cepted,) that then you diſcharge the ſaid *A. B.* out of your cuſtody, and ſuffer him to go at large, as you will anſwer the contrary at your peril; and that you inform the party or parties, plaintiff or plaintiffs in the plaint or plaints, that he, ſhe or they may proſecute his, her or their action or actions, ſuit or ſuits, in our court before us, by bill to be exhibited to us in our ſaid court before us at *Weſtminſter* againſt the ſaid *A. B.* if he, ſhe or they ſhall think it expedient ſo to do. Witneſs, *&c.*

The like, to diſcharge an attorney from the office of collector of taxes.

George the Third, *&c.* To the commiſſioners appointed for carrying into execution the ſeveral acts of parliament hereinafter enumerated, that is to ſay, an act, *&c.* (here enumerate the acts as in the warrant of appointment,) and particularly to *E. F.*, *G. H.* and *J. K.*, three of the ſaid commiſſioners, greeting: Whereas it hath been ſhewn to us, on behalf of *A. B.* one of the attornies of our court before us, that whereas he is one of the attornies of our ſaid court before us, and proſecutes and defends divers ſuits and buſineſſes of and for many of our liege ſubjects proſecuting and defending in our ſaid court before us, as their attorney, and that according to the liberties and privileges of the ſaid court from time whereof the memory of man is not to the contrary uſed and approved of, no attorney of the ſame court ought to be appointed or compelled to take upon him any office or ſervice, to be exerciſed or performed elſewhere than in our court aforeſaid, whereby he may be withdrawn from his due attendance in our ſaid court: Nevertheleſs, you or ſome of you contriving to aggrieve the ſaid *A. B.* have appointed

or

or intend to appoint him to the office of one of the collectors of the ſeveral taxes, rates and duties under the management of the commiſſioners for the affairs of taxes, within the town and hamlet of —— in the lower diviſion of the hundred of —— in the county of ——; which office, as we are informed, will require his conſtant reſidence there, and which if it be permitted, would tend to the manifeſt loſs and damage of the ſaid *A. B.* and many of our liege ſubjects, whoſe attorney he is in the court aforeſaid: Wherefore the ſaid *A. B.* has humbly beſought us to provide him a proper remedy in this behalf; and we being willing that the liberties and privileges of our ſaid court ſhould be inviolably obſerved, command you and every of you, that without regard to the aforeſaid appointment of the ſaid *A. B.* you or ſome of you cauſe to be appointed another fit perſon to the ſaid office, and that you or ſome of you without delay exonerate and diſcharge the ſaid *A. B.* from the ſaid office, and that you altogether ceaſe and abſtain from proceeding againſt him for not taking upon him the ſame, as you will anſwer the contrary at your peril. Witneſs, &c.

Beginning of a declaration at the ſuit of an attorney.

Way. —— term, in the —— year of the reign of King *George* the Third.

—— (to wit). *A. B.* gentleman, one of the attornies of the court of our lord the now king before the king himſelf, being preſent here in court in his own perſon, according to the liberties and privileges of the ſaid court, for ſuch attornies and other officers of the court aforeſaid, from time immemorial uſed and approved of in the ſame court, complains of *C. D.*

C. D. being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf: For that whereas, &c.

Way. —— term, in the —— year of the reign of King *George* the Third. Beginning of a bill againſt an attorney.

—— (to wit). *A. B.* complains of *C. D.* gentleman, one of the attornies of the court of our lord the now king before the king himſelf, being preſent here in court in his own perſon, of a plea of treſpaſs on the caſe, &c. (or as the plea is): For that whereas, &c.

—— (to wit). *A. B.* gentleman, one of the attornies of the court of our lord the now king before the king himſelf, being preſent here in court in his own perſon, complains of *C. D.* gentleman, one other of the attornies of the ſaid court of our ſaid lord the king before the king himſelf, being alſo preſent here in court in his own perſon, of a plea of treſpaſs on the caſe, &c. (or as the plea is): For that whereas, &c. The like, by one attorney againſt another.

—— (to wit). Be it remembered, that on the —— day of ——, in the —— year of the reign of our lord the now king, (a day after the cauſe of action accrued,) *A. B.* brought into the office of the clerk of the declarations of the court of our ſaid lord the king before the king himſelf, according to the courſe and practice of the ſame court, his certain bill againſt *C. D.* gentleman, one of the attornies, &c. (as before), and filed the ſame bill as of —— term, in the —— year of the reign of our ſaid lord the The like, where the cauſe of action ariſes, and the bill is filed, in vacation.

the king; which ſaid bill follows in theſe words, (that is to ſay): —— (to wit). *A. B.* complains of *C. D.* gentleman, one of the attornies, &c.

The like, againſt the marſhal.

—— (to wit). *A. B.* complains of *C. D.* eſquire, marſhal of the marſhalſea of our lord the now king, before the king himſelf, preſent here in court in his own perſon, of a plea that he render, &c. (or as the plea is): For that whereas, &c.

Rule for time, or further time, to declare.

A. B. v. *C. D.* } It is ordered, that the plaintiff have time (or further time) to declare until the firſt day inclusive of the next term, (or laſt day inclusive of the preſent term,) if the defendant be not in cuſtody.

Beginning of a declaration by bill, in caſe or treſpaſs.

Way. —— term, in the —— year of the reign of King *George* the Third.

—— (to wit). *A. B.* complains of *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our lord the now king, before the king himſelf; for that whereas, (or in treſpaſs, "for that,) &c.

The like, by an infant.

—— (to wit). *A. B.* by *E. F.* who is admitted by the court of our lord the king before the king himſelf here, to proſecute for the ſaid *A. B.* who is an infant within the age of twenty-one years, as the next friend of the ſaid *A. B.* complains of *C. D.* being, &c.

If the plaintiffs are aſſignees of a bankrupt or inſolvent debtor, or the action be brought by or againſt

againſt executors or adminiſtrators, they ſhould be deſcribed accordingly.

—— (to wit). *A. B.* complains of *C. D.* being, *&c.* of a plea that he render to the ſaid *A. B.* a reaſonable account, for the time he was bailiff to the ſaid *A. B.* in —— in the county of —— (or receiver of the monies of the ſaid *A. B.*). The like, in account.

Of a plea that he render to the ſaid *A. B.* the ſum of —— *l.* of lawful money of *Great Britain*, which is in arrear to the ſaid *A. B.* of a certain annuity or yearly rent of —— *l.* and which the ſaid *C. D.* owes to the ſaid *A. B.* In annuity.

Of a plea of breach of covenant. In covenant.

Of a plea that he render to the ſaid *A. B.* the ſum of —— *l.* of lawful money of *Great Britain*, which he owes to and unjuſtly detains from him. In debt.

—— (to wit). *A. B.* who ſues as well for our ſovereign lord the king (or for the poor of the pariſh of —— in the county of ——) as for himſelf in this behalf, complains of *C. D.* being, *&c.* of a plea that he render to our ſaid lord the king (or to the poor of the ſaid pariſh of ——), and to the ſaid *A. B.* who ſues as aforeſaid, the ſum of —— *l.* of lawful money of *Great Britain*, which he owes to and unjuſtly detains from them. In debt *qui tam.*

Of a plea that he render to the ſaid *A. B.* certain goods and chattels (or deeds and writings) to the In detinue.

the value of —— *l.* of lawful money of *Great Britain*, which he unjuſtly detains from him.

By original, in caſe.

In the King's Bench.

—— term in the —— year of the reign of King *George* the Third.

—— (to wit). *C. D.* was attached to anſwer *A. B.* of a plea of treſpaſs on the caſe, *&c.* and thereupon the ſaid *A. B.* by —— his attorney complains; that whereas, *&c.*

The like, by an infant.

—— (to wit). *C. D.* was attached to anſwer *A. B.* of a plea of treſpaſs on the caſe, *&c.* and thereupon the ſaid *A. B.* by *E. F.* who is admitted by the court of our lord the king before the king himſelf here, to proſecute for the ſaid *A. B.* who is an infant within the age of 21 years, as the next friend of the ſaid *A. B.* complains; that whereas, *&c.*

The like, againſt a peer, or member of the Houſe of Commons.

—— (to wit). The right honourable —— earl of ——, (or *C. D.* eſquire,) having privilege of parliament, was ſummoned (or attached) to anſwer *A. B.* of a plea of treſpaſs on the caſe, *&c.* (or as the plea is); and thereupon the ſaid *A. B.* by *E. F.* his attorney complains; that whereas, *&c.*

The like, againſt corporation.

—— (to wit). The mayor and commonalty and citizens of the city of *London* were attached (or ſummoned) to anſwer *A. B.* of a plea of treſpaſs on the caſe, *&c.* (or as the plea is); and thereupon the ſaid *A. B.*

A. B. by —— his attorney complains; that whereas the ſaid mayor and commonalty and citizens, &c.

—— (to wit). The men inhabiting within the hundred of —— in the county of —— were attached to anſwer *A. B.* who ſues as well for our ſovereign lord the king as for himſelf in this behalf, of a plea of treſpaſs and contempt againſt the form of the ſtatute, &c. And thereupon the ſaid *A. B.* who ſues as aforeſaid by —— his attorney complains; that, &c. The like, againſt hundredors.

—— (to wit). *C. D.* was ſummoned to anſwer *A. B.* of a plea that he keep with him the covenant made by the ſaid *C. D.* with the ſaid *A. B.* according to the force, form and effect of a certain indenture (or of a certain deed-poll, or articles of agreement) in that behalf made between them, &c. And thereupon the ſaid *A. B.* by —— his attorney complains; that whereas, &c. The like, in covenant.

N. B. In account, annuity, debt and detinue, the defendant is ſaid to be *ſummoned* to anſwer; and the plea is deſcribed as in an action by bill.

—— (to wit). *C. D.* was ſummoned to anſwer *A. B.* of a plea wherefore he took the cattle (or goods and chattels) of the ſaid *A. B.* and unjuſtly detained them againſt ſureties and pledges, until, &c. And thereupon, &c. The like, in replevin.

—— (to wit). *C. D.* was attached to anſwer *A. B.* of a plea wherefore the ſaid *C. D.* with force and arms, broke and entered, (or made an aſſault,) &c. The like, in treſpaſs.

(ſtating the treſpaſſes at length, but without particularizing the time, number, quality or value, *&c.*) and other wrongs to the ſaid *A. B.* there did, to the great damage of the ſaid *A. B.* and againſt the peace of our lord the now king, *&c.* And thereupon the ſaid *A. B.* by *E. F.* his attorney complains; that the ſaid *C. D.* on, *&c.* at *&c.* (repeating the treſpaſſes, with the circumſtances of time, number, quality, and value, *&c.*) and other wrongs to the ſaid *A. B.* then and there did, to the great damage of the ſaid *A. B.* and againſt the peace of our ſaid lord the now king; wherefore the ſaid *A. B.* ſaith that he is injured, and hath ſuſtained damage to the value of —— *l.* and therefore he brings his ſuit, *&c.*

Notice to plead, indorſed on declaration delivered abſolutely.

The defendant is to plead hereto in four (or eight) days, (or within the firſt four days of next —— term,) otherwiſe judgment.

The like, when delivered *de bene eſſe.*

This declaration is delivered conditionally, until ſpecial bail be perfected, and the defendant is to plead hereto in four (or eight) days, otherwiſe judgment.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of declaration, &c. upon common proceſs, where bail is filed, or an appearance entered, according to the ſtatute.

Take notice, that a declaration was this day filed with the clerk of the declarations in the King's Bench office, in the *Inner-Temple London*, as of this preſent —— term, againſt you, at the ſuit of the above-named plaintiff, in an action of treſpaſs on the caſe

caſe upon promiſes, to the plaintiff's damage of —— *l.* (or in an action of debt for —— *l.* or as the action is,) and unleſs you plead thereto in four (or eight) days from the date hereof, (or within the firſt four days of next —— term,) judgment will be ſigned againſt you by default. Dated this —— day of —— 179-.

Your's, *&c.*

E. F. attorney for plaintiff.

To Mr. *C. D.* the above defendant.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

The like *de bene eſſe*, upon common or bailable proceſs.

Take notice, that a declaration was this day filed with the clerk of the declarations in the King's Bench office, in the *Inner-Temple London*, conditionally, until common bail be filed, (or by original, until a common appearance be entered; or in a bailable action, until ſpecial bail be put in and perfected,) as of this preſent —— term, againſt you, at the ſuit of the above-named plaintiff, in an action of treſpaſs on the caſe upon promiſes, to the plaintiff's damage of —— *l.* (or in an action of debt for —— *l.* or as the action is), and unleſs you appear and plead thereto in eight days from the date hereof, (or on bailable proceſs, in four or eight days, as the caſe may require) judgment will be ſigned againſt you by default. Dated this —— day of —— 179-.

Your's, *&c.*

E. F. plaintiff's attorney (or agent).

To Mr. *C. D.* the above defendant.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Term's notice to plead.

Take notice, that the plaintiff intends to proceed after the end of the enſuing term, by giving a rule to plead in this cauſe. Dated, *&c.*

Your's, *&c.*

E. F. plaintiff's attorney.

To Mr. *G. H.* defendant's attorney.

In the King's Bench.

Rule to plead.

A. B.
v.
C. D.
} Rule to plead.

E. F. attorney.

—— 179-.

In the King's Bench.

B. againſt *D.*

Demand of plea.

The plaintiff demands a plea in this cauſe, by

Your's, *&c.*

E. F. plaintiff's attorney.

To Mr. *G. H.* defendant's attorney.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of motion to ſet aſide proceedings for irregularity.

Take notice, that this honourable court will be moved to-morrow, or ſo ſoon after as counſel can be heard, for a rule to ſhew cauſe why all the proceedings in this cauſe ſhould not be ſet aſide for irregularity,

irregularity, and in the mean time all further proceedings be ſtayed. Dated, *&c.*

Your's, *&c.*

G. H. defendant's attorney.

To Mr. *E. F.* plaintiff's attorney.

The like, to ſtay proceedings, till ſecurity be given for coſts.

Take notice, that this honourable court will be moved, *&c.* for a rule to ſhew cauſe why all the proceedings in this cauſe ſhould not be ſtayed, until ſecurity be given for the payment of coſts. Dated, *&c.*

Summons to ſtay proceedings, on payment of debt and coſts.

Let the plaintiff's attorney or agent attend me at my chambers in *Serjeants'-Inn*, at —— of the clock in the ——, to ſhew cauſe why upon payment of ——, the debt for which this action is brought, together with coſts to be taxed, all further proceedings in this cauſe ſhould not be ſtayed.

Dated the —— day of —— 179-.

Order thereupon.

Upon hearing the attornies or agents on both ſides, I do order, that upon payment of ——, the debt due from the defendant to the plaintiff, for which this action is brought, together with coſts to be taxed and paid ——, all further proceedings in this cauſe be ſtayed.

Dated the —— day of —— 179-.

Notice of motion for the Maſter to compute principal and intereſt on a bond.

Take notice, that this honourable court will be moved, *&c.* for a rule to ſhew cauſe, why it ſhould not be referred to the Maſter to compute the principal and intereſt due upon the bond in queſtion, and

why upon payment thereof, together with the coſts to be taxed by him, the ſaid bond ſhould not be delivered up to the defendant to be cancelled. Dated, *&c.*

Warrant of attorney to confeſs judgment.

To *E. F. G. H.* and *J. K.* gentlemen, attornies of his majeſty's court of King's Bench at *Weſtminſter*, jointly and ſeverally, or to any other attorney of the ſame court.

THESE are to deſire and authorize you, the attornies above-named, or any one of you, or any other attorney of the court of King's Bench aforeſaid, to appear for me *C. D.* of, *&c.* in the ſaid court, as of this preſent —— term, or any other ſubſequent term, and then and there to receive a declaration for me, in an action of debt for —— *l.* for money borrowed, (or on a bond or obligation made and entered into by me the ſaid *C. D.* to the ſaid *A. B.* in the penal ſum of —— *l.*) at the ſuit of the ſaid *A. B.* and thereupon to confeſs the ſame action, or elſe to ſuffer a judgment by *nil dicit* or otherwiſe, to paſs againſt me in the ſame action, and to be thereupon forthwith entered up againſt me of record of the ſaid court, for the ſaid ſum of —— *l.* beſides coſts of ſuit: And I the ſaid *C. D.* do hereby further authorize and empower you the ſaid attornies, or any one of you, after the ſaid judgment ſhall be entered up as aforeſaid, for me and in my name, and as my act and deed, to ſign, ſeal and execute a good and ſufficient releaſe in the law to the ſaid *A. B.* his heirs, executors and adminiſtrators, of all and all manner of error and errors, writ and writs of error, and all benefit

benefit and advantage thereof, and all miſpriſions of error and errors, defects and imperfections whatſoever, had, made, committed, done or ſuffered, or to be had, made, committed, done or ſuffered, in, about, touching or concerning the aforeſaid judgment, or in, about, touching or concerning any writ, warrant, proceſs, declaration, plea, entry or other proceedings whatſoever, of or any way concerning the ſame; and for what you the ſaid attornies, or any one of you, ſhall do or cauſe to be done in the premiſes, or any of them, this ſhall be to you and every of you a ſufficient warrant and authority. In witneſs whereof, I have hereto ſet my hand and ſeal, the —— day of ——, in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God, of *Great Britain*, *France* and *Ireland* king, defender of the faith, and ſo forth, and in the year of our Lord 179-.

Sealed and delivered, being firſt duly ſtamped, in the preſence of }

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench,

Affidavit to enter up judgment thereon, after a year.

A. B. of, &c. the above-named plaintiff, and *E. F.* of, &c. ſeverally make oath and ſay; and firſt this deponent *A. B.* for himſelf ſaith, that the above-named defendant being juſtly indebted to this deponent in the ſum of —— *l.* for goods ſold and delivered by this deponent to the ſaid defendant (or as the caſe may be), did, in order to ſecure unto this deponent the payment thereof, on or about the ——

day of —— 179-, execute and deliver unto this deponent a warrant of attorney, bearing date the ſame day and year aforeſaid, thereby authorizing certain attornies therein-named, or any other attorney of this court, to appear for him the ſaid *C. D.* in the ſame court, as of the then —— term, or any other ſubſequent term, and then and there to receive a declaration for him in an action of debt for —— *l.* for money borrowed, (or otherwiſe, according to the warrant of attorney) at the ſuit of this deponent, and thereupon to confeſs the ſame action, or elſe to ſuffer a judgment by *nil dicit* or otherwiſe, to paſs againſt him in the ſame action, and to be thereupon forthwith entered up againſt him of record of this court, for the ſaid ſum of —— *l.* beſides coſts of ſuit: And this deponent further ſaith, that there is juſtly due and owing from the ſaid defendant to him this deponent, for principal money and intereſt thereon, the ſum of —— *l.* and that he verily believes the ſaid defendant is living, he this deponent having ſeen and converſed with him about —— days ſince: And this deponent *E. F.* for himſelf ſaith, that he was preſent, and did ſee the ſaid warrant of attorney executed by the ſaid defendant, and that the name *C. D.* ſet and ſubſcribed thereto, is of the proper handwriting of the ſaid defendant; and that he the ſaid defendant did ſign, ſeal, and as his act and deed deliver the ſame, in the preſence of this deponent; and that the name *E. F.* ſet and ſubſcribed as witneſs to the execution thereof, is of the proper handwriting of him this deponent.

A. B.

Sworn, *&c.* *E. F.*

In

A. B. who, *&c.* plaintiff,
In the King's Bench. and
C. D. defendant.

Affidavit for leave to compound a penal action.

A. B. of, *&c.* the above-named plaintiff, maketh oath and ſaith, that this action is brought for the recovery of certain penalties to the amount of —— *l.* alledged to have been incurred by the above-named defendant, upon and by virtue of an act of parliament, made and paſſed in the —— year of the reign of, *&c.* intituled, *&c.* and this deponent hath declared in the ſaid action againſt the defendant, who has pleaded thereto the general iſſue of *nil debet*: And this deponent further ſaith, that it hath been agreed between this deponent and the ſaid defendant, to apply to this honourable court, for leave to compound the ſaid action, upon the defendant's paying the ſum of —— *l.* to our lord the now king, and —— *l.* to this deponent, together with the coſts of this ſuit, and of the preſent application, to be taxed by the proper officer (or otherwiſe, according to the agreement of the parties): And this deponent further ſaith, that the above are the real and only terms upon which this action is meant to be compounded, and that he this deponent hath not, nor hath nor have any other perſon or perſons for his uſe, received any ſum of money whatſoever for compounding the ſaid action, nor doth he this deponent intend, nor is nor are any other perſon or perſons by his order or appointment, or for his uſe, or for the uſe of any other perſon or perſons to his knowledge, or with his privity and conſent, at any time hereafter, to have or receive for compounding the ſame, more than

than the ſaid ſum of —— *l.* and the coſts to be taxed as aforeſaid.

A. B.

Sworn, *&c.*

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Confeſſion of the action, in *aſſumpſit.*

I confeſs this action, and that the plaintiff hath ſuſtained damages to the amount of —— *l.* (the damages as laid in the declaration) beſides his coſts and charges, to be taxed by the Maſter; but no judgment is to be entered up, or execution iſſued, until the —— day of —— next, in default of payment of the ſum of —— *l.* (the real debt) being the debt in this action, together with the ſaid coſts: And I do hereby agree that no writ of error ſhall be brought, nor bill in equity filed; and that in caſe the plaintiff ſhall enter up his judgment in default of payment, he ſhall be at liberty to levy the ſaid ſum of —— *l.* together with the coſts, ſheriff's poundage, and all other incidental expences. As witneſs my hand this —— day of —— 179-.

The like in debt.

I confeſs the debt in this cauſe, and that the plaintiff hath ſuſtained damages to the amount of 1 *s.* beſides his coſts and charges to be taxed by the Maſter, *&c.* (as above).

The like, *relictâ verificatione.*

I do hereby agree to withdraw the plea (or demurrer) by me pleaded (or put in) in this cauſe; and do confeſs this action, or the debt therein, *&c.* (as above).

In

In the court of King's Bench.

Middlesex, } *E. F.* is retained to enter up judgment
to wit. } on a *cognovit actionem*, (or warrant of attorney to acknowledge judgment, as the case may require,) dated on the —— day of ——, at the suit of *A. B.* against *C. D.*

Memorandum of warrant on a *cognovit*, &c.

E. F. attorney; (if by an agent, add) by *G. H.* his agent.

Entered (or filed of record, as the case may require) this —— day of —— in the —— year of the reign of ——

(Officer's name.)

For entries of Judgments by *nil dicit*, or *non sum informatus*, *vide post*, tit. *Judgments*.

A. B. plaintiff,
In the King's Bench, and
C. D. defendant.

Take notice, that this honourable court will be moved to-morrow, or so soon after as counsel can be heard, for a rule to shew cause why the interlocutory judgment signed in this cause, and (if a writ of inquiry has been executed) the writ of inquiry executed thereon, should not be set aside for irregularity, with costs to be taxed by the Master; and (if there has been any misconduct on the part of the plaintiff) why the plaintiff should not answer the matters

Notice of motion to set aside interlocutory judgment, &c. for irregularity.

of the affidavit, and in the mean time all proceedings be ſtayed. Dated, *&c.*

Your's, *&c.*

G. H. defendant's attorney.

To Mr. *E. F.* plaintiff's attorney.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of inquiry in *London.*

Take notice, that a writ of inquiry of damages in this cauſe will be executed on —— the —— day of —— inſtant, between the hours of —— and —— of the clock in the forenoon of the ſame day, at the ſecondaries office, No. 14. *Lothbury, London.* Dated this —— day of —— 179-.

Your's, *&c.*

E. F. plaintiff's attorney.

To Mr. *G. H.* defendant's attorney.

The like, in *Middleſex.*

If in *Middleſex*, ſay, "between the hours of eleven of the clock in the forenoon and one of the clock in the afternoon of the ſame day, at the ſheriff's office, No. 12. *Took's-Court, Curſitor-Street, Chancery-Lane*, in the county of *Middleſex*."

The like, in the country.

If in the country, "at the houſe of ——, commonly called or known by the name or ſign of ——, in —— *ſtreet*, in the county of ——."

Term's notice of inquiry.

Take notice, that the plaintiff intends to proceed after the end of the enſuing term, by giving notice of inquiry in this cauſe. Dated, *&c.*

I do

Notice of continuance.

I do hereby continue the notice of executing the writ of inquiry, given you in this cauſe, to the —— day of —— next, when the ſame will be executed between the hours of, &c. at, &c. Dated, &c.

Your's, &c.

E. F. plaintiff's attorney.

To Mr. *G. H.* defendant's attorney.

Notice of countermand.

I do hereby countermand the notice of executing the writ of inquiry, given you in this cauſe. Dated, &c.

Writ of inquiry by bill.

George the Third, by the grace of God, of *Great Britain*, *France* and *Ireland* king, defender of the faith, and ſo forth. To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, impleaded *C. D.* being in the cuſtody of the marſhal of our marſhalſea before us: For that whereas, &c. (here recite the declaration,) to the damage of the ſaid *A. B.* of —— *l.* as he ſaid, and thereupon he brought his ſuit, &c. And ſuch proceedings were thereupon had in our ſaid court before us at *Weſtminſter* aforeſaid, that the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages on occaſion of the premiſes: But becauſe it is unknown to our ſaid court before us, what damages the ſaid *A. B.* hath ſuſtained by means of the premiſes aforeſaid: Therefore we command you, that by the oath of twelve good and lawful men of your bailiwick, you diligently inquire what damages the ſaid *A. B.* hath ſuſtained, as well by means of the premiſes aforeſaid, as for his coſts and charges by him about his

ſuit in this behalf expended; and that you ſend to us at *Weſtminſter*, on —— next after ——, the inquiſition which you ſhall thereupon take, under your ſeal, and the ſeals of thoſe by whoſe oath you ſhall take that inquiſition, together with this writ. Witneſs *Lloyd* Lord *Kenyon*, at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Way.

The like, into a county-palatine.

George the Third, *&c.* To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, impleaded *C. D.* being in the cuſtody, *&c.* (as before): And ſuch proceedings were thereupon had in our ſaid court before us at *Weſtminſter* aforeſaid, that the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages on occaſion of the premiſes: But becauſe it is unknown to our ſaid court before us, what damages the ſaid *A. B.* hath ſuſtained by means of the premiſes aforeſaid: Therefore we command you, that by our writ under the ſeal of our ſaid county-palatine, to be duly made and directed to the ſheriff of the ſame county, you command the ſaid ſheriff, that by the oath of twelve good and lawful men of his bailiwick, he diligently inquire what damages the ſaid *A. B.* hath ſuſtained, as well by means of the premiſes aforeſaid, as for his coſts and charges by him about his ſuit in this behalf expended; and that you ſend to us at *Weſtminſter*, on —— next after —— the inquiſition which the ſaid ſheriff ſhall thereupon take, under his ſeal, and the ſeals of thoſe by whoſe oath he ſhall take

take that inquiſition, together with this writ. Witneſs, &c.

George the Third, &c. To the ſheriff of ——, greeting: Whereas *C. D.* was attached (or ſummoned) to appear in our court before us, to anſwer *A. B.* of a plea, that whereas, &c. (to the end of the declaration.) And ſuch proceedings were thereupon had, &c. (as in a writ of inquiry by bill, making the return general, whereſoever, &c.) Writ of inquiry by original.

George the Third, &c. To the ſheriff of ——, and to the right honourable *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, impleaded *C. D.* being in the cuſtody of the marſhal of our marſhalſea before us, of a plea of debt on demand, for —— *l.* of good and lawful money of *Great Britain*, upon and by virtue of a certain writing obligatory, in the penal ſum of —— *l.* bearing date, &c. and ſealed with the ſeal of the ſaid *C. D.*: And ſuch proceedings were thereupon had in our ſaid court before us, that it was afterwards conſidered by the ſame court, that the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his debt aforeſaid, together with his damages by him ſuſtained on occaſion of the detention thereof, &c. whereof the ſaid *C. D.* is convicted, as appears to us of record; and thereupon the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, ſuggeſted upon the roll whereon the ſaid judgment ſo recovered againſt the ſaid *C. D.* as afore- The like by bill, in debt on bond, to aſſeſs damages on the ſtatute 8 & 9 W. III. c. 11. § 8.

aforeſaid is entered, to the effect following, to wit; that the ſaid writing obligatory whereon the ſaid judgment was ſo recovered againſt the ſaid *C. D.* as aforeſaid, was made and given by him the ſaid *C. D.* under and ſubject to a certain condition thereto ſubſcribed, whereby after reciting, *&c.* (ſtating the recital, if any, preceding the condition of the bond,) it was declared, that if, *&c.* (reciting the condition): And the ſaid *A. B.* further ſuggeſted on the ſaid roll whereon the ſaid judgment ſo recovered againſt the ſaid *C. D.* was and is ſo entered as aforeſaid, that, *&c.* (here ſtate the ſuggeſtion of breaches, to the prayer of a writ of inquiry, and then proceed as follows;) as we have received information from the ſaid *A. B.* in our court before us: And the ſaid *A. B.* having prayed our writ, to inquire of the truth of the aforeſaid breaches of the ſaid condition of the ſaid writing obligatory, and to aſſeſs the damages which he hath ſuſtained thereby: Therefore, according to the form of the ſtatute in ſuch caſe made and provided, we command you, that you cauſe to come before the ſaid right honourable *Lloyd* Lord *Kenyon*, our ſaid chief-juſtice aſſigned to hold pleas in our ſaid court before us, on —— the —— day of —— next, at the *Guildhall* of the city of *London*, twelve honeſt and lawful men of your bailiwick, to inquire diligently on their oath of the truth of the premiſes, and to aſſeſs the damages which the ſaid *A. B.* hath ſuſtained by reaſon of the aforeſaid breaches; and that you have on that day before our ſaid chief-juſtice this writ: We likewiſe command our ſaid chief-juſtice, that he certify the inquiſition before him taken, to us at *Weſtminſter*, on ——

next

next after ——, together with the names of those by whose oath such inquisition shall be taken, and that he also have there then this writ: Witness *Lloyd* Lord *Kenyon*, &c.

George the Third, *&c.* To the sheriff of ——, and to the right honourable *Lloyd* Lord *Kenyon*, &c. greeting: Whereas *A. B.* lately in our court before us at *Westminster*, by bill without our writ, impleaded *C. D.* being in the custody, *&c.* of a plea that he should render to him the said *A. B.* the sum of —— *l.* of good and lawful money of *Great Britain*, which he owed to, and unjustly detained from him; for that whereas by certain articles of agreement (or a certain indenture) made on, *&c.* (reciting the whole of the declaration) to the damage of the said *A. B.* of —— *l.* as he said, and therefore he brought his suit, *&c.* And such proceedings were thereupon had in our said court before us, that it was afterwards considered by the same court, that the said *A. B.* ought to recover against the said *C. D.* his debt aforesaid, together with his damages which he had sustained on occasion of the detention thereof, *&c.* whereof the said *C. D.* is convicted, as appears to us of record: And the said *A. B.* having prayed our writ to inquire of the truth of the aforesaid breaches of covenant above assigned, and to assess the damages which he the said *A. B.* hath sustained thereby: Therefore, according to the form of the statute in such case made and provided, we command you, that you cause to come, *&c.* (as in the last, to the end).

The like, in debt on articles of agreement.

Writ of inquiry on the ſtatute 17 *Car.* II. c. 7. § 2. upon a judgment in replevin, for want of a declaration.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* was ſummoned to appear in our court before us, on ——, whereſoever we ſhould then be in *England*, to anſwer unto *A. B.* of a plea wherefore he took the goods and chattels of the ſaid *A. B.* and unjuſtly detained the ſame againſt ſureties and pledges, until, *&c.* And the ſaid *C. D.* offered himſelf in our ſaid court before us, on the fourth day, againſt the ſaid *A. B.* in the plea aforeſaid; and the ſaid *A. B.* although ſolemnly called, came not, but made default; therefore it was conſidered by the ſame court, that the ſaid *A. B.* and his pledges to proſecute ſhould be in mercy, *&c.* and that the ſaid *C. D.* ſhould go thereof without day, *&c.* and have a return of the ſaid goods and chattels: And thereupon it hath been ſuggeſted in our ſaid court before us, by the ſaid *C. D.* that he the ſaid *C. D.* took the ſaid goods and chattels of the ſaid *A. B.* for the taking whereof he was ſummoned to appear in our ſaid court before us, to anſwer the ſaid *A. B.* as aforeſaid, at —— in the ſaid county, in a certain meſſuage or dwelling-houſe there, and that he took the ſame as bailiff of *E. F.* for that the ſaid *A. B.* for the ſpace of one year, next before and ending on the —— day of ——, in the year of our Lord 179-, and from thence until and at the time of taking the ſaid goods and chattels, held and enjoyed the ſaid meſſuage or dwelling-houſe and premiſes, with the appurtenances, amongſt other things, as tenant thereof to the ſaid *E. F.* at and under the yearly rent of —— *l.* And becauſe —— *l.* of the rent aforeſaid, for one year ending as aforeſaid, on the ſaid, *&c.* and from thence until and at the time

time of taking the ſaid goods and chattels, were due and in arrear from the ſaid *A. B.* to the ſaid *E. F.* he the ſaid *C. D.* as bailiff of the ſaid *E. F.* took the ſaid goods and chattels, as for and in the name of a diſtreſs for the ſaid rent, ſo due and in arrear from the ſaid *A. B.* to the ſaid *E. F.* as aforeſaid; and the ſaid *C. D.* according to the form of the ſtatute in ſuch caſe made and provided, prayed our writ to be directed to you, to inquire of the arrears of the rent aforeſaid, and of the value of the ſaid goods and chattels, and it was granted to him, *&c.* as by the record and proceedings thereof, ſtill remaining in our ſaid court before us, at *Weſtminſter* aforeſaid, fully appears: Therefore we command you, that according to the form of the ſtatute aforeſaid, you diligently inquire by the oath of twelve good and lawful men of your bailiwick, how much of the yearly rent aforeſaid, at the time of taking and diſtraining the ſaid goods and chattels, was in arrear and unpaid, and how much the ſaid goods and chattels ſo as aforeſaid taken and diſtrained were worth, according to the true value of the ſame; and the inquiſition which you ſhall thereupon take, make appear to us on ——, whereſoever we ſhall then be in *England*, under your ſeal and the ſeals of thoſe by whoſe oath you ſhall take the ſaid inquiſition; and have there the names of them by whoſe oath you ſhall take the ſaid inquiſition, and this writ: Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, upon a judgment for want of a plea in bar.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* lately in our court before us at *Weſtminſter*, was ſummoned to anſwer *A. B.*

of a plea wherefore he took the goods and chattels of the ſaid *A. B.* and unjuſtly detained them againſt ſureties and pledges, &c. whereupon the ſaid *A. B.* by —— his attorney complained, that the ſaid *C. D.* theretofore, to wit, on, &c. at, &c. in your county, in a certain place there called ——, had ſeized and taken the goods and chattels of the ſaid *A. B.* to wit, (ſet out the goods mentioned in the declaration,) and unjuſtly detained the ſame againſt ſureties and pledges, until, &c. And the ſaid *C. D.* appearing in our ſaid court before us at *Weſtminſter* aforeſaid, by —— his attorney, well avowed the taking of the ſaid goods and chattels, &c. (here recite the whole of the avowry, and proceed as follows): And ſuch proceedings were thereupon had in our ſaid court before us at *Weſtminſter* aforeſaid, that it was afterwards conſidered in the ſame court, that the ſaid *A. B.* ſhould take nothing by his writ aforeſaid, but that he and his pledges to proſecute ſhould be in mercy, &c. and that the ſaid *C. D.* ſhould go thereof without day, &c. and have a return of the ſaid goods and chattels; and thereupon the ſaid *C. D.*, according to the form of the ſtatute in ſuch caſe made and provided, prayed our writ, &c. (as in the laſt, to the end).

Præcipe for *ſubpœna* on a writ of inquiry.

—— to wit. *Subpœna* to teſtify on inquiry, between *A. B.* plaintiff and *C. D.* defendant, on the part of the plaintiff (or defendant).

E. F. attorney.

—— 179-.

George

George the Third, *&c.* To *G. H.* &c. (here inſert the names of the witneſſes,) greeting: We command you, and every of you, that laying aſide all and ſingular buſineſſes and excuſes whatſoever, you, and every of you, be and appear in your proper perſons, before our ſheriff (or ſheriffs) of —— on, *&c.* at, *&c.* (according to the notice of inquiry) then and there to teſtify the truth, according to your knowledge, in a certain cauſe now depending in our court before us, between *A. B.* plaintiff and *C. D.* defendant, of a plea of treſpaſs on the caſe, (or as the action is,) on the part of the plaintiff, (or defendant,) on which our certain writ of inquiry of damages hath been ſent by us out of our ſaid court, and directed to our ſaid ſheriff, (or ſheriffs,) then and there in due form of law to be executed; and this you, or any of you, ſhall in no-wiſe omit, under the penalty of 100*l.* Witneſs *Lloyd* Lord *Kenyon*, &c. *Subpœna.*

By virtue of a writ of *ſubpœna* to you directed, and herewith ſhewn unto you, you are to be and appear before the ſheriff (or ſheriffs) of —— on, *&c.* at, *&c.* (as in the *ſubpœna*) to teſtify the truth according to your knowledge, in a certain cauſe now depending between *A. B.* plaintiff and *C. D.* defendant, of a plea of treſpaſs on the caſe, (or as the action is,) on the part of the plaintiff (or defendant), in which cauſe a writ of inquiry of damages will then and there be executed; and this you are not to omit under the penalty of 100*l.* Dated the —— day of —— in the —— year of the reign of our ſove- *Subpœna*-ticket.

reign Lord *George* the Third, king of *Great Britain*, &c. and in the year of our Lord 179-.

By the court.

E. F. attorney for the plaintiff
(or defendant).

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of attending by counsel.

Take notice, that the plaintiff (or defendant) will attend by counsel, on the execution of the writ of inquiry in this cause. Dated, &c.

A. B. againſt *C. D.*

Rule for judgment.

Rule for judgment on inquiry.

Notice of motion to ſet aſide judgment and execution for irregularity, and that the money levied be reſtored.

Take notice, that this honourable court will be moved, &c. for a rule to ſhew cauſe, why the judgment ſigned in this cauſe, and the execution iſſued and executed thereon, ſhould not be ſet aſide for irregularity, with coſts to be taxed by the Maſter; and why the ſum of —— *l.* levied and paid into the hands of the ſheriff of —— ſhould not be reſtored to the defendant, and why the ſaid ſheriff ſhould not retain the ſame in his hands, until the further order of this court, and in the mean-time all proceedings be ſtayed. Dated, &c.

Notice to the ſheriff, to retain the money levied.

Take notice, that this honourable court will be moved, &c. for a rule to ſhew cauſe, why the judgment in this cauſe, and the execution executed thereon, ſhould not be ſet aſide for irregularity, with

with coſts to be taxed by the Maſter; and why the money paid into your hands ſhould not be reſtored to the defendant, and that in the mean time you retain the ſame until the further order of this court. Dated, *&c.*

In the King's Bench. *B.* againſt *D.*

Demand of oyer by the defendant.

The defendant demands oyer and copy of the writing obligatory mentioned in the declaration in this cauſe, and the condition thereof, (or of the deed-poll, indenture, articles of agreement, *&c.* mentioned in the declaration in this cauſe).

Your's, *&c.*

G.H. defendant's attorney.

To Mr. *E. F.* plaintiff's attorney.

The like, by the plaintiff.

The plaintiff demands oyer and copy of the deed of releaſe, *&c.* mentioned in the plea in this cauſe.

Summons for particulars of plaintiff's demand.

C. D. ats. *A. B.* } Let the plaintiff's attorney or agent attend me at my chambers in *Serjeants'-Inn*, at —— of the clock in the ——, to ſhew cauſe, why he ſhould not deliver to the defendant's attorney or agent, an account in writing of the particulars of the plaintiff's demand, for which this action is brought, and why in the mean time all proceedings in this cauſe ſhould not be ſtayed. Dated the —— day of —— 179-.

Order thereupon.

C. D. ats. *A. B.* } Upon hearing the attornies or agents on both ſides, I do order, that the plaintiff's attorney or agent ſhall deliver to the de-

fendant's attorney or agent, an account in writing of the particulars of the plaintiff's demand, for which this action is brought, and that in the mean time all further proceedings in this cauſe be ſtayed. Dated the —— day of —— 179-.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Affidavit to change venue.

C. D. of, &c. the above defendant, maketh oath and ſaith, that the plaintiff's cauſe of action (if any) aroſe in the county of *L.* and not in the county of *M.* (where the venue is laid) or elſewhere out of the ſaid county of *L.*

C. D.

Sworn, &c.

Rule thereon.

A. B. v. *C. D.* } Upon reading the affidavit of the defendant, it is ordered, that the action be laid in the county of *L.* Upon the motion of Mr. ——.

Rule for bringing money into court.

A. B. v. *C. D.* } It is ordered, that the defendant have leave to bring into court —— *l.*; and thereupon, unleſs the plaintiff ſhall accept thereof, with coſts to be taxed by the maſter, in full diſcharge of this ſuit, the ſaid —— *l.* ſhall be ſtruck out of the declaration, and paid out of court to the plaintiff or his attorney; and upon the trial of the iſſue, the plaintiff ſhall not be permitted to give evidence for the ſaid —— *l.* Upon the motion of Mr. ——.

—— term

—— term in the —— year of the reign of king *George* the Third.

C. D. sued by the name of *E. D.* ats. *A. B.* — And *C. D.* against whom the said *A. B.* hath exhibited his said bill by the name of *E. D.* in his own person comes and says, that he was baptized by the name of *C.* to wit, at, *&c.* and by the Christian-name of *C.* hath always since his baptism hitherto been called and known; without this, that he the said *C. D.* now is, or at the time of exhibiting the said bill was, or ever before had been, called or known by the Christian-name of *E.* as by the said bill is above supposed; and this he the said *C. D.* is ready to verify, wherefore he prays judgment of the said bill, and that the same may be quashed, *&c.*

Plea in abatement, of misnomer in defendant's Christian-name.

S. M.

In the King's Bench,

A. B. plaintiff,
and
C. D. sued by the name of *E. D.* defendant.

C. D. of, *&c.* the defendant in this cause, maketh oath and saith, that the plea hereunto annexed is true, in substance and matter of fact.

Affidavit of the truth thereof.

C. D.

Sworn, *&c.*

—— term in the —— year of the reign of king *George* the Third.

C. D. ats. *A. B.* — And the said *C. D.* by —— his attorney, comes and defends the wrong and injury when, *&c.* and says, that he did not undertake

Plea of *non assumpsit*.

undertake or promiſe, in manner and form as the ſaid *A. B.* hath above thereof complained againſt him; and of this he the ſaid *C. D.* puts himſelf upon the country, *&c.*

A. B. plaintiff,

In the King's Bench. Between and

C. D. defendant.

Mr. *E. F.*

Notice of ſet-off for work and labour, &c.

Take notice, that the above-named defendant on the trial of this cauſe, will give in evidence and inſiſt, that the above-named plaintiff before and at the time of the commencement of this ſuit, was and ſtill is indebted to the ſaid defendant, in the ſum of —— *l.* of lawful money of *Great Britain*, for the work and labour, care and diligence of the ſaid defendant, by him the ſaid defendant before that time done, performed and beſtowed for the ſaid plaintiff, and at his requeſt; and for divers materials and other neceſſary things, uſed and employed in and about that work and labour, by the ſaid defendant before that time found and provided for the ſaid plaintiff, and at his like requeſt; and for divers goods, wares and merchandizes, by the ſaid defendant before that time ſold and delivered to the ſaid plaintiff, and at his like requeſt; and for money by the ſaid defendant before that time lent and advanced to the ſaid plaintiff, and at his like requeſt; and for other money by the ſaid defendant before that time paid, laid out and expended for the ſaid plaintiff, and at his like requeſt; and for other money by the ſaid plaintiff before that time had and received to and for the uſe of the ſaid defendant; and that the ſaid defendant will

will ſet off and allow to the ſaid plaintiff, on the trial of the ſaid cauſe, ſo much of the ſaid ſum of —— *l.* ſo due and owing from the ſaid plaintiff to the ſaid defendant, againſt any demand of the ſaid plaintiff to be proved on the ſaid trial, as will be ſufficient to ſatisfy and diſcharge ſuch demand, according to the form of the ſtatute in ſuch caſe made and provided. Dated this —— day of —— 179-.

Your's, *&c.*

G. H. defendant's attorney.

A. B. v. *C. D.* —— next after —— is given to the plaintiff to reply. Entered. Rule to reply.

In the King's Bench.

A. B. plaintiff,
and
C. D. defendant.

Take notice, that the plaintiff intends to proceed after the end of the enſuing term, by giving a rule to reply in this cauſe. Dated, *&c.* Term's notice to reply.

Your's, *&c.*

E. F. plaintiff's attorney.

To Mr. *G. H.* defendant's attorney.

A. B. v. *C. D.* It is ordered, upon payment of coſts to be taxed by the Maſter, that the action be diſcontinued. Rule to diſcontinue.

Iſſue by bill, of the ſame term with the declaration.

—— term in the —— year of the reign of king *George* the Third.

Way.

—— to wit. *Be it remembered,* that on —— next after —— in this ſame term, (the firſt day of the term of which the iſſue is made up, unleſs the cauſe of action accrued after that day, in which caſe the *memorandum* is ſpecial, ſtating the bill to have been exhibited on the day mentioned in the title of the declaration,) before our lord the king at *Weſtminſter*, comes *A. B.* by —— his attorney, and brings into the court of our ſaid lord the king before the king himſelf now here, his certain bill againſt *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, of a plea of treſpaſs on the caſe upon promiſes; (or in covenant, of a plea of breach of covenant; in debt, of a plea of debt; in detinue, of a plea of detaining the goods and chattels of the ſaid *A. B.*; in caſe, of a plea of treſpaſs on the caſe; in treſpaſs, of a plea of treſpaſs; or in aſſault or impriſonment, in a plea of treſpaſs and aſſault, or of treſpaſs aſſault and falſe impriſonment, *&c.*) and there are pledges for the proſecution thereof, to wit, *John Doe* and *Richard Roe;* which ſaid bill follows in theſe words, that is to ſay:—— to wit. *A. B.* complains of *C. D.* &c. (here copy the declaration to the end, omitting the pledges, and proceed on a new line as follows:)

And the ſaid *C. D.* by —— his attorney, comes and defends the wrong and injury when, *&c.* and ſays that he did not undertake or promiſe, in manner

ner and form as the ſaid *A. B.* hath above thereof complained againſt him; and of this he the ſaid *C. D.* puts himſelf upon the country; and the ſaid *A. B.* doth the like: Therefore let a jury thereupon come before our lord the king at *Weſtminſter*, on —— next after ——, (ſome return-day before the trial; and if the trial be at the aſſizes or ſittings after term, the laſt return-day of the preceding term,) by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* the ſame day is given to the parties aforeſaid at the ſame place.

If the pleadings are ſpecial, they ſhould be copied in their proper order, beginning each with a new line.

—— term (the term of which iſſue is joined) in the —— year of the reign of king *George* the Third.

The like, of a term ſubſequent to the declaration.

Way.

—— to wit. *Be it remembered*, that in —— term laſt paſt, (the term of which the declaration is intitled; and if the iſſue be made up more than four terms after the declaration, inſtead of the words "laſt paſt," ſay "in the —— year of the reign of our lord the now king,") before our lord the king at *Weſtminſter*, came *A. B.* by —— his attorney, and brought into the court of our ſaid lord the king before the king himſelf then there, his certain bill againſt *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, of a plea of treſpaſs on the caſe upon promiſes; (or as the plea is;) and there are pledges for the proſecution thereof, to wit, *John Doe* and *Richard Roe*; which ſaid bill follows

follows in theſe words, that is to ſay, —— to wit. *A. B.* complains of *C. D.* &c. (here copy the declaration to the end, omitting the pledges, and proceed on a new line as follows:)

And now at this day, that is to ſay, on —— next after —— in this ſame term, until which day the ſaid *C. D.* had leave to imparl to the ſaid bill, and then to anſwer the ſame, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* by his attorney aforeſaid, as the ſaid *C. D.* by —— his attorney; and the ſaid *C. D.* defends the wrong and injury when, &c. and ſays, &c. (to the end of the pleadings, beginning each, if ſpecial, with a new line): Therefore let a jury thereupon come, &c. (as before.)

Iſſue by original.

—— term (the term of which the declaration is intitled) in the —— year of the reign of King *George* the Third.

—— to wit. *C. D.* was attached (or ſummoned) to anſwer *A. B.* &c. (as in the declaration, to the end).

And the ſaid *C. D.* by —— his attorney, comes and defends, &c. (copying the pleadings in order) therefore it is commanded to the ſheriff, that he cauſe to come before our lord the king, on ——, whereſoever our ſaid lord the king ſhall then be in *England*, twelve, &c. by whom, &c. and who neither, &c. to recognize, &c. becauſe as well, &c.

The like, with imparlances.

—— term in the —— year of the reign of King *George* the Third.

—— to wit. *C. D.* was attached (or ſummoned) to anſwer *A. B.* &c. (as in the declaration, to the end).

And

And the ſaid *C. D.* by —— his attorney, comes and defends the wrong and injury when, &c. and prays a day thereupon to imparl to the ſaid declaration of the ſaid *A. B.* and it is granted to him, &c. And upon this a day is given to the parties aforeſaid, before our lord the king until —— whereſoever, &c. that is to ſay, for the ſaid *C. D.* to imparl to the declaration aforeſaid, and then to anſwer the ſame: At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid, by their attornies aforeſaid; and the ſaid *C. D.* ſays, &c. (to the end of the pleas).

And the ſaid *A. B.* prays a day to imparl to the ſaid pleas of the ſaid *C. D.* and it is granted to him, &c. and hereupon a day is given to the ſaid *A. B.* before our ſaid lord the king until ——, whereſoever, &c. that is to ſay, for the ſaid *A. B.* to imparl to the ſaid pleas of the ſaid *C. D.* and then to reply to the ſame; the ſame day is given to the ſaid *C. D.* there, &c. At which day before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* as the ſaid *C. D.* by their reſpective attornies aforeſaid; and the ſaid *A. B.* as to the ſaid plea of the ſaid *C. D.* &c. (to the end of the pleadings): Therefore it is commanded to the ſheriff, &c. (as before).

Award of *venire*, where there are ſeveral iſſues in fact.

Therefore as well to try this iſſue, as the ſaid other iſſue (or iſſues) above joined between the parties aforeſaid, let a jury thereupon come, &c. (or by original, it is commanded, &c.)

The like, where there are ſeveral iſſues in fact and in law.

And as well to try the ſaid iſſue (or iſſues) above joined between the parties aforeſaid, to be tried by the

the country, as to inquire what damages the ſaid *A. B.* hath ſuſtained by reaſon of the premiſes, whereof the ſaid parties have put themſelves upon the judgment of the court, if judgment ſhall happen to be thereupon given for the ſaid *A. B.* againſt the ſaid *C. D.* let a jury thereupon come, *&c.* (or by original, it is commanded, *&c.*)

The like, where there are ſeveral defendants who plead ſeparately.

Therefore as well to try this iſſue, as the ſaid other iſſue (or iſſues) above joined between the ſaid *A. B.* and the ſaid *E. F.* let a jury thereupon come, *&c.* (or by original, it is commanded, *&c.*)

Entry and award of *venire*, where there are ſeveral defendants, one of whom pleads and another lets judgment go by default.

(After copying the plea and iſſue thereon, proceed as follows:) And the ſaid *E. F.* in his own perſon, comes and defends the wrong and injury when, *&c.* and ſays nothing in bar or preclusion of the ſaid action of the ſaid *A. B.* whereby the ſaid *A. B.* remains therein undefended againſt the ſaid *E. F.* wherefore the ſaid *A. B.* ought to recover againſt the ſaid *E. F.* his damages by reaſon of the premiſes: But becauſe it is unknown to the court here, what damages the ſaid *A. B.* hath ſuſtained by reaſon thereof; and becauſe it is alſo at preſent unknown to the court here, whether the ſaid *C. D.* will be convicted of the premiſes, upon which the ſaid iſſue is above joined between the ſaid *A. B.* and the ſaid *C. D.* or not; and becauſe it is convenient and neceſſary, that there be but one taxation of damages in this ſuit; therefore let the giving of judgment in this behalf againſt the ſaid *E. F.* be ſtayed, until the trial or determination of the ſaid iſſue above joined between the ſaid *A. B.* and the ſaid *C. D.* And as well to try the ſaid iſſue above joined between the ſaid *A. B.*

and

and the ſaid *C. D.* as to inquire againſt the ſaid *E. F.* what damages the ſaid *A. B.* hath ſuſtained in this behalf, let a jury thereupon come, *&c.* (or by original, it is commanded, *&c.*)

Award of *mittimus* to the county-palatine of *Lancaſter*.

Therefore let a jury be made thereof; and becauſe the ſaid iſſue above joined between the parties aforeſaid, ought to be tried by men of the county-palatine of *Lancaſter*, that is to ſay, of the body of the ſaid county, where the writ of our ſaid lord the king doth not run, and not elſewhere; therefore to try the ſaid iſſue above joined between the parties aforeſaid, let the record of the plaint aforeſaid be ſent to his majeſty's juſtices of the ſaid county-palatine of *Lancaſter*, ſo that the ſame juſtices, by his ſaid majeſty's writ of that county to be duly made, and to the ſheriff of the ſame county directed, do command the ſaid ſheriff, that he cauſe twelve free and lawful men of the body of the ſaid county of *Lancaſter*, to come before the ſaid juſtices, at their next general ſeſſions of aſſize to be holden for the ſaid county, after the ſaid record ſhall have been delivered to them, each of whom, *&c.* by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* And when the verification and iſſue aforeſaid ſhall have been there made and tried, then the ſaid juſtices ſhall ſend the record of the plaint aforeſaid, together with every thing that ſhall be done thereupon before them, in his ſaid majeſty's court there, to our ſaid lord the king at *Weſtminſter*, at a certain day which the ſaid juſtices ſhall appoint to the ſaid parties to be in the ſame court here, to hear judgment thereupon.

The like, to the city of *Cheſter*.

Therefore let a jury be made thereof; and becauſe the men of the ſaid city of *Cheſter* and county of the ſame city ought not, nor have been uſed to come out of the ſame city and county of the ſame city, to try any iſſue joined in the ſame city and county of the ſame city; therefore for trying the iſſue aforeſaid, triable in the ſaid city of *Cheſter* and county of the ſame city, let the record of the plaint aforeſaid be ſent to the chamberlain of our ſaid lord the king of his county-palatine of *Cheſter*, or to his deputy there, ſo that the ſaid chamberlain or his deputy, by writ of our ſaid lord the king under the ſeal of the ſaid county-palatine, duly to be made out, do cauſe the record aforeſaid to be ſent to the mayor of the ſaid city of *Cheſter* and county of the ſame city, commanding the ſaid mayor, that for trying the iſſue aforeſaid, the ſaid mayor do command the ſheriffs of the ſaid city of *Cheſter* and county of the ſame city, that they cauſe to come before the ſaid mayor, at a certain day and place by the ſaid mayor to be appointed, after the ſaid record ſhall have been delivered to him, twelve, &c. by whom, &c. and who neither, &c. to recognize, &c. becauſe as well, &c. And when the verification and iſſue aforeſaid ſhall have been there made and tried, then the ſaid mayor ſhall ſend the record of the plaint aforeſaid, together with every thing that ſhall have been done thereupon before him, to the ſaid chamberlain or his deputy, ſo that the ſaid chamberlain or his deputy may remit the ſame into the court of our ſaid lord the king before the king himſelf at *Weſtminſter*, at a certain day which the ſaid mayor ſhall appoint to the ſaid parties to be in the ſame court here, to hear judgment thereupon, &c.

—— to wit. *C. D.* was attached (or ſummoned) to anſwer *A. B.* and *E. F.* of a plea of treſpaſs on the caſe, *&c.* (or as the plea is); and thereupon the ſaid *A. B.* by —— his attorney, comes and gives the court here to underſtand and be informed, that ſince the ſuing out of the original writ in this cauſe, and before this day, to wit, on, *&c.* the ſaid *E. F.* died, to wit, at, *&c.* and the ſaid *A. B.* there ſurvived him; which the ſaid *C. D.* does not deny, but admits the ſame to be true; and hereupon the ſaid *A. B.* by his attorney aforeſaid complains, that whereas, *&c.*

Suggeſtion of the death of one of the plaintiffs, after the iſſuing of the original writ and before declaration.

And the ſaid *C. D.* and *E. F.* by —— their attorney, come and defend the wrong and injury when, *&c.* and pray leave to imparl to the ſaid declaration until —— next after ——, (or by original, until —— whereſoever, *&c.*) and it is granted to them, *&c.* the ſame day is given to the ſaid *A. B.* at the ſame place: At which day before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* by his attorney aforeſaid, as the ſaid *C. D.* by his attorney aforeſaid; and the ſaid *E. F.* comes not: And hereupon the ſaid *A. B.* gives the court here to underſtand and be informed, that after the laſt continuance of the plea aforeſaid, and before this day, to wit, on, *&c.* at, *&c.* the ſaid *E. F.* died, and the ſaid *C. D.* ſurvived him; which allegation the ſaid *C. D.* doth not deny, but admits the ſame to be true: Therefore let all further proceedings in this cauſe againſt the ſaid *E. F.* be ſtayed. And the ſaid *C. D.* defends the wrong and injury when, *&c.* (here copy

The like, of the death of one of the defendants, between declaration and plea.

the plea of the ſurviving defendant, and go on with the proceedings againſt him only).

Suggeſtion of the death of one of the plaintiffs, between plea and replication.

(After the end of the defendant's plea, proceed as follows): And the ſaid *A. B.* and *E. F.* (plaintiffs) pray a day to imparl to the ſaid plea, and then to reply to the ſame, and it is granted to them, *&c.*; and thereupon a day is given to the parties aforeſaid, to come before our ſaid lord the king at *Weſtminſter*, on —— next after ——, (or by original, on ——, whereſoever, *&c.*) that is to ſay, for the ſaid *A. B.* and *E. F.* to imparl to the ſaid plea, and then to reply to the ſame, *&c.* At which day before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* by his attorney aforeſaid, as the ſaid *C. D.* by his attorney aforeſaid; and the ſaid *E. F.* cometh not: And hereupon the ſaid *A. B.* gives the court here to underſtand and be informed, that after the laſt continuance of the plea aforeſaid, and before this day, to wit, on, *&c.* at, *&c.* the ſaid *E. F.* died, and the ſaid *A. B.* ſurvived him; which allegation the ſaid *C. D.* doth not deny, but admits the ſame to be true: Therefore let no further proceedings be had in this cauſe, at the ſuit of the ſaid *E. F.* And as to the ſaid plea of the ſaid *C. D.* &c. (here go on with the replication).

Suggeſtion that one of the ſheriffs is a party to the ſuit, and award of *venire* to the other.

And hereupon the ſaid maſter and keepers, or wardens and commonalty of the myſtery or art of braziers ſay, that *E. F.* eſquire, now one of the ſheriffs of the city of *London* aforeſaid, is maſter of the ſaid company of braziers; and for that reaſon the

ſaid

ſaid maſter and keepers, &c. pray the writ of our lord the king to be directed to *G. H.* eſquire, the other ſheriff of the ſaid city of *London*, to cauſe to come before our lord the king at *Weſtminſter*, twelve, &c. to try the ſaid iſſue (or iſſues) above joined between the parties aforeſaid; and becauſe the ſaid *C. D.* doth not deny the aforeſaid allegation of the ſaid maſter and keepers, &c. but admits the ſame to be true, it is granted to them, &c.: Therefore it is commanded to the ſaid *G. H.* the ſaid other ſheriff of the city of *London* aforeſaid, that he cauſe to come, &c.

Suggeſtion by the *Eaſt India* Company, plaintiffs, that one of the ſheriffs is intereſted as a proprietor of ſtock, and award of *venire* to the other.

And hereupon the ſaid united company ſay, that *E. F.* and *G. H.* eſquires are ſheriffs of the city of *London*, and that the ſaid *E. F.* one of the ſaid ſheriffs, in his own right, is proprietor of and intereſted in a ſhare and proportion of the principal ſtock of the ſaid united company, to the value of —— *l.* and is a member of the ſaid united company; and this the ſaid united company are ready to verify, and for this cauſe, the ſaid united company pray a writ, to be directed to the ſaid *G. H.* eſquire, the other ſheriff of the ſaid city of *London*, to cauſe to come twelve, &c. to try the ſaid iſſue (or iſſues) above joined between the parties aforeſaid; and becauſe the ſaid *C. D.* doth not deny the aforeſaid allegation of the ſaid united company, but admits the ſame to be true, it is granted to them, &c.: Therefore it is commanded to the ſaid *G. H.* the ſaid other ſheriff of the city of *London* aforeſaid, that he cauſe to come, &c.

Suggeſtion that the ſheriff is a party, and award of *venire* to the coroner.

And becauſe it is ſuggeſted to the court of our lord the king now here, that the ſaid *A. B.* (the plaintiff) is ſheriff of —— aforeſaid; it is therefore commanded to the coroner of the ſaid county of —— that he cauſe to come, *&c.*

Suggeſtion that the ſheriff is of kin to the defendant, and award of *venire* to the coroner.

And hereupon the ſaid *A. B.* ſays, that ——, now ſheriff of the ſaid county of ——, is of kin, that is to ſay, brother to the ſaid *C. D.* and for this cauſe the ſaid *A. B.* prays a writ of our lord the king of *venire facias*, to be directed to the coroner of the ſaid county of ——; and becauſe the ſaid *C. D.* doth not deny the aforeſaid allegation of the ſaid *A. B.* it is granted to him, *&c.*: Therefore it is commanded to the coroner of the ſaid county of —— that he cauſe to come, *&c.*

Suggeſtion that the ſheriffs and coroner are intereſted, and award of *venire* to *eliſors*.

And hereupon the ſaid *A. B.* ſays, that —— and ——, now ſheriffs of the city of *Coventry* and county of the ſame city, are bailiffs of the city of *Coventry* aforeſaid, and therefore parties to the matter aforeſaid above put in iſſue between him the ſaid *A. B.* and the ſaid *C. D.* and that ——, now coroner of the ſaid city of *Coventry* and county of the ſame city, is one of the ſaid commonalty of the city of *Coventry* aforeſaid, and therefore likewiſe a party to the ſaid matter above put in iſſue between the ſaid *A. B.* and the ſaid *C. D.* as aforeſaid; and the ſaid *A. B.* prays a writ of our lord the king, to be directed to two diſcreet and indifferent perſons, reſiding within the ſaid county of the city of *Coventry* aforeſaid, by the court here to be elected, to cauſe to come twelve free and lawful men of the neighbourhood of *W.* in the ſaid county

county of the city of *Coventry* aforesaid, to try the issue aforesaid above joined between the parties aforesaid; and because the said *C. D.* doth not deny the allegation aforesaid: Therefore it is commanded to —— and ——, with the assent of the parties aforesaid, by the court here elected and named, that they cause to come, *&c.*

Suggestion for a trial in an adjoining county.

But because it is suggested and proved, and manifestly appears to the court here, that the said issue above joined between the parties aforesaid, cannot be fairly and impartially tried by a jury of the said town and county of the town of ——: Therefore let a jury of the county of ——, being the county next adjoining to the said town and county of the town of —— thereupon come, *&c.* (or by original, it is commanded, *&c.*)

Award of *venire* to the sheriff of the next *English* county, where the venue is laid in *Wales*.

And because the said issue (or issues) above joined between the parties aforesaid, ought to be tried by men of the next *English* county to the said county of ——, and not elsewhere; and because the county of —— is the next *English* county to the said county of ——: Therefore let a jury of the said county of —— thereupon come, *&c.* (or by original, it is commanded, *&c.*)

The like, where the venue is laid in *Berwick-upon-Tweed*.

And because the borough of *Berwick* is a place where the king's writ of *venire facias* to summon a jury to try the said issue, doth not run; and because the burgesses of the said borough, by reason of their privileges, ought not to be put upon any jury to try the said issue out of the said borough, but the said

iſſue ought to be tried by a jury of the county of *Northumberland*, which is the next adjacent county to the ſaid borough of *Berwick*; which allegations of the ſaid —— are not denied by the ſaid ——: Therefore let a jury of the ſaid county of *Northumberland* thereupon come, *&c.* (or by original, it is commanded, *&c.*)

Concluſion of iſſue, on a replication to a plea of *nul tiel record* of a judgment, &c. in the ſame court.

That there is ſuch a record, *&c.* as appears by the record thereof in —— term, in the —— year of the reign of our ſaid lord the now king, in the —— roll; and he prays that the term and roll aforeſaid may be ſeen and inſpected by the court of our ſaid lord the king now here: And becauſe the court of our ſaid lord the king now here, are not yet adviſed what judgment to give of and upon the premiſes, a day is therefore given to the parties aforeſaid, before our ſaid lord the king at *Weſtminſter*, until —— next after —— (or by original, until —— whereſoever, *&c.*) to hear the judgment of the ſaid court thereupon, for that the ſaid court of our ſaid lord the king now here, are not yet adviſed thereof, *&c.*

The like, in a different court.

And this he the ſaid *A. B.* is ready to verify, *&c.* And hereupon the ſaid *A. B.* is commanded, that he have the ſaid record before our ſaid lord the king at *Weſtminſter*, on —— next after —— (or by original, on —— whereſoever, *&c.*) and that he fail not at his peril; the ſame day is given to the ſaid *C. D.* at the ſame place.

And

And this he the ſaid *A. B.* is ready to verify, &c. and becauſe the court of our ſaid lord the king now here will adviſe themſelves upon inſpection and examination of the record, by the ſaid *C. D.* above alleged, a day is given to the parties aforeſaid before our ſaid lord the king at *Weſtminſter*, until —— next after —— (or by original, until —— whereſoever, &c.) to hear the judgment of the ſaid court thereupon, for that the ſaid court of our ſaid lord the king now here are not yet adviſed thereof, &c. Concluſion of iſſue, on a replication of *nul tiel record* of a judgment, &c. in the ſame court.

And this he the ſaid *A. B.* is ready to verify, &c. (or, if the replication concludes with a verification and prayer of judgment, and the defendant rejoins *quod habetur tale recordum*, "And this he the ſaid *C. D.* is ready to verify, &c.") And hereupon the ſaid *C. D.* is commanded, that he have the ſaid record before our ſaid lord the king at *Weſtminſter*, on —— next after —— (or by original, on —— whereſoever, &c.) and that he fail not at his peril; the ſame day is given to the ſaid *A. B.* at the ſame place. The like, in a different court.

But becauſe the court of our lord the king now here, are not yet adviſed what judgment to give of and upon the premiſes, a day is given to the parties aforeſaid, before our ſaid lord the king at *Weſtminſter*, on —— next after —— (or by original, on —— whereſoever, &c.) to hear judgment thereon, for that the ſaid court of our ſaid lord the king now here, are not yet adviſed thereof, &c. Concluſion of demurrer-book.

The like entry is uſed upon an iſſue of *nul tiel record*, where it is not determined the ſame term.

Unleſs

Rule to return paper-book.

Unleſs the defendant receives this paper-book, and returns the ſame on the —— day of —— to be enrolled, let a writ be made (if the judgment would be interlocutory; or if final, "let a rule be entered").

Mr. *E. F.*

Notice of having ſtruck out rejoinder, &c.

I have ſtruck out the rejoinder, and left a demurrer to the plaintiff's replication in the office.

Rule to enter the iſſue.

A. B. v. *C. D.* —— next after —— is given to the plaintiff to enter the iſſue.

Entered.

The like, on demurrer.

A. B. v. *C. D.* Unleſs the plaintiff enters the iſſue on record, on —— next after —— let the ſame be entered on the part of the defendant.

Entered.

Entry of iſſue by bill.

As yet of —— term (the term of which iſſue is joined) in the —— year of the reign of king *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

—— to wit. *A. B.* puts in his place *E. F.* his attorney, againſt *C. D.* in a plea of treſpaſs on the caſe, (or of debt, *&c.* as the plea is).

—— to wit. *C. D.* puts in his place *G. H.* his attorney, (or if common bail was filed by the plaintiff, according to the ſtatute, ſay, "the ſaid *C. D.* in perſon,") at the ſuit of the ſaid *A. B.* in the plea aforeſaid.

—— to wit. *Be it remembered*, &c. (here copy the whole of the iſſue, to the end of the award of the *venire facias*; and if the cauſe be not tried the ſame term iſſue is joined, or in the vacation after that term, it is continued from term to term, as follows:)

Continuance of the *venire* by *vicecomes non miſit breve*, by bill.

At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid, by their attornies aforeſaid; and the ſheriff hath not ſent the writ of our ſaid lord the king to him in that behalf directed, nor hath he done any thing thereupon: Therefore, as before, let a jury thereupon come before our ſaid lord the king at *Weſtminſter*, on —— next after ——, by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* the ſame day is given to the parties aforeſaid at the ſame place.

Entry of iſſue by original.

Enter the warrants of attorney as by bill; but inſtead of a *memorandum*, go on immediately with the declaration, as follows:

—— to wit. *C. D.* was attached (or ſummoned) to anſwer *A. B.* &c. (copying the whole of the iſſue as before; and if the cauſe be not tried the ſame term iſſue is joined, or in the vacation after that term, the continuance is as follows:)

Continuance of the *venire* by *vicecomes non miſit breve*, by original.

At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid, by their attornies aforeſaid; and the ſheriff hath not ſent the writ of our ſaid lord the king to him in that behalf directed, nor hath he done any thing thereupon: Therefore, as before, the ſheriff is commanded, that he

he cauſe to come before our lord the king on ——, whereſoever our ſaid lord the king ſhall then be in *England*, twelve, *&c.* by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* the ſame day is given to the parties aforeſaid at the ſame place.

Suggeſtion of the death of one of ſeveral plaintiffs or defendants, after iſſue joined and before trial.

After the award of the *venire facias*, or continuance by *vicecomes non miſit breve*, proceed as follows:

Before which day, to wit, on, *&c.* the ſaid *E. F.* (or *G. H.*) to wit, at, *&c.* and the ſaid *A. B.* (or *C. D.*) there ſurvived him: And now at this day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid —— as the ſaid —— (the ſurvivors) by their reſpective attornies aforeſaid; and the ſheriff hath not ſent the writ of our ſaid lord the king to him in that behalf directed, nor hath he done any thing thereupon: Therefore, as before, let a jury thereupon come, *&c.* (or by original, it is commanded to the ſheriff, *&c.*)

Docket-paper.

The entry of *E. F.* gentleman, one, *&c.* of the term of —— 39 *Geo.* 3. 1799.

Middleſex. Iſſue joined in caſe, between *A. B.* plaintiff and *C. D.* defendant, on a plea of *non aſſumpſit*, (or as the caſe may be). } Roll —.

London. Iſſue joined in debt, between *A. B.* plaintiff and *C. D.* defendant, on a plea of *nil debet*, (or *non eſt factum*). } ——

Surrey,

Surrey. Iſſue joined in treſpaſs, between *A. B.* plaintiff and *C. D.* defendant, on a plea of not guilty, (or as the caſe may be). } Roll —.

—— term, in the —— year of the reign of King *George* the Third.

—— to wit. *Be it remembered*, that on —— next after —— in the ſame term, before our lord the king at *Weſtminſter*, comes *A. B.* by —— his attorney, and brings into the court of our ſaid lord the king before the king himſelf now here, his certain bill againſt *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, of a plea of treſpaſs on the caſe upon promiſes; and there are pledges for the proſecution, to wit, *John Doe* and *Richard Roe*; which ſaid bill follows in theſe words, that is to ſay: —— to wit. *A. B.* complains of *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our lord the now king before the king himſelf; for that whereas heretofore, to wit, on, *&c.* at, *&c.* a certain diſcourſe was had and moved by and between the ſaid *A. B.* and the ſaid *C. D.*; and in that diſcourſe a certain queſtion then and there aroſe, whether the ſaid *C. D.* did on the —— day of —— 179-, or at any other time, receive for the uſe or on the account of *E. F.* deceaſed, the ſum of ——*l.* or any other and what ſum of money; and thereupon heretofore, to wit, on the ſaid, *&c.* at, *&c.* aforeſaid, in conſideration that

Feigned iſſue, on a queſtion reſpecting the receipt of money.

that the ſaid *A. B.* at the ſpecial inſtance and requeſt of the ſaid *C. D.* had then and there paid to him the ſaid *C. D.* the ſum of five pounds of lawful money of *Great Britain*, he the ſaid *C. D.* undertook and then and there faithfully promiſed the ſaid *A. B.* to pay him the ſum of ten pounds, of like lawful money, in caſe he the ſaid *C. D.* did on the ſaid, *&c.* or at any other time, receive for the uſe or on the account of the ſaid *E. F.* the ſaid ſum of —— *l.* or any other ſum of money whatſoever: And the ſaid *A. B.* in fact ſaith, that the ſaid *C. D.* did on the ſaid, *&c.* receive for the uſe and on the account of the ſaid *E. F.* the ſaid ſum of —— *l.* to wit, at, *&c.* aforeſaid; whereof the ſaid *C. D.* afterwards, to wit, on the ſame day and year firſt above mentioned, there had notice: Nevertheleſs the ſaid *C. D.* not regarding his ſaid promiſe and undertaking, ſo by him made in manner and form aforeſaid, but contriving and fraudulently intending craftily and ſubtilly to deceive and defraud the ſaid *A. B.* in this behalf, hath not as yet paid the ſaid ſum of ten pounds, or any part thereof, to the ſaid *A. B.* (although often requeſted ſo to do); but he to do this hath hitherto wholly refuſed, and ſtill doth refuſe; to the damage of the ſaid *A. B.* of —— *l.*, and therefore he brings his ſuit, *&c.*

And the ſaid *C. D.* by —— his attorney, comes and defends the wrong and injury when, *&c.* and ſays, that the ſaid *A. B.* ought not to have or maintain his aforeſaid action thereof againſt him; becauſe he ſays, that though true it is, that ſuch a diſcourſe was had and moved by and between the ſaid *A. B.* and the ſaid *C. D.* and that he the ſaid *C. D.* did

undertake

undertake and promiſe, in manner and form as the ſaid *A. B.* hath above in his ſaid declaration in that behalf alledged: For plea in this behalf, the ſaid *C. D.* ſaith, that he the ſaid *C. D.* did not on the ſaid, *&c.* or at any other time, receive for the uſe or on the account of the ſaid *E. F.* the ſaid ſum of —— *l.*, or any other ſum of money whatſoever, in manner and form as the ſaid *A. B.* hath above in his ſaid declaration in that behalf alledged; and of this he the ſaid *C. D.* puts himſelf upon the country; and the ſaid *A. B.* doth the like: Therefore let a jury thereupon come before our lord the king at *Weſtminſter*, on —— next after ——, by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* the ſame day is given to the parties aforeſaid, at the ſame place.

A. B. plaintiff,

In the King's Bench. and

C. D. defendant.

Take notice of trial in this cauſe, for the —— ſittings within (or, for the ſittings after) this preſent —— term, to be holden at the *Guildhall* of the city of *London*. Dated, *&c.* Notice of trial in *London*.

Your's, *&c.*

E. F. plaintiff's attorney.

To Mr. *G. H.* defendant's attorney.

If in *Middleſex*, ſay, "to be holden at *Weſtminſter-hall*, in the county of *Middleſex*." The like, in *Middleſex*.

If

The like, at the assizes.

If at the assizes, "for the next assizes to be holden at —— in and for the county of ——."

Notice of trial and assessment of damages, to a defendant who has let judgment go by default.

Take notice, that the issue joined in this cause between the above-named plaintiff and the above-named *C. D.* will be tried at the sittings, &c. (or next assizes, &c.) and that the jury who try the issue, will at the same time assess the damages against you in this cause, upon the judgment by default. Dated, &c.

Your's, &c.

E. F. plaintiff's attorney.

To Mr. *G. H.*

Notice of trial at bar.

Take notice, that this cause will be tried at the bar of the court, on, &c. at *Westminster-hall*, in the county of *Middlesex*. Dated, &c.

Your's, &c.

Term's notice of trial.

Take notice, that the plaintiff intends to proceed after the end of the ensuing term, by giving notice of trial in this cause. Dated, &c.

Your's, &c.

Notice of continuance.

I do hereby continue the notice of trial given you in this cause, to the sitting after this present —— term. Dated, &c.

Your's, &c.

Notice of countermand.

I do hereby countermand the notice of trial given you in this cause. Dated, &c.

Your's, &c.

In

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Affidavit for costs, for not proceeding to trial.

G. H. of, &c. maketh oath and saith, that this action was commenced in —— term last, and that in —— term following issue was joined, and notice of trial given thereon for the sittings after the said term (according to the fact): And this deponent further saith, that the above-named plaintiff did not proceed to the trial of the said action, nor countermand such notice.

Sworn, &c. } *G. H.*

Rule of court thereon.

A. B. } Upon reading the affidavit of —— it is or-
v. } dered, that the attornies of both parties
C. D. } shall attend the Master, and he shall examine the matter and tax the defendant his costs, for that the plaintiff hath not proceeded to trial pursuant to his notice; which costs when taxed shall be paid by the plaintiff, if it shall appear to the Master that costs ought to be paid. Upon the motion of Mr. ——.

A. B. plaintiff,
In the King's Bench. and
C. D. defendant.

Affidavit of demand and refusal of costs, when payable to the attorney.

G. H. of, &c. and *C. D.* of, &c. severally make oath and say; and first, this deponent *G. H.* for himself saith, that he did on —— the —— day of —— last, personally serve the above-named plaintiff with a true copy of the rule, and the Master's *allocatur* thereon, hereto annexed, and at the same time shewed him the said original rule and *allocatur*; and that he this deponent then demanded of him the costs al-

lowed by the Maſter on the ſaid rule, but that the ſaid plaintiff did not then, or at any time ſince, pay the ſame to this deponent, and the ſame now remains unpaid to him: And this deponent *C. D.* for himſelf ſaith, that he hath not received the ſaid coſts, or any part thereof, but the ſame now remains due and unpaid to this deponent.

G. H.
C. D.

Sworn, &c.

Rule for trial by proviſo.

A. B. v. *C. D.* } Let there be a record of *niſi prius* by *proviſo*, if the plaintiff ſhall have made default.

Entered.

In the King's Bench.

A. B. plaintiff,
and
C. D. defendant.

Notice of motion for judgment as in caſe of a nonſuit.

Take notice, that this honourable court will be moved on ——, or ſo ſoon after as counſel can be heard, that the like judgment may be had for the defendant in this cauſe as in the caſe of a nonſuit, purſuant to the ſtatute in ſuch caſe made and provided.

Your's, &c.
G. H. defendant's attorney.

To Mr. *E. F.* plaintiff's attorney.

In the King's Bench.

A. B. plaintiff,
and
C. D. defendant.

Affidavit for judgment as in caſe of a nonſuit.

G. H. of, &c. attorney for the defendant in this cauſe, maketh oath and ſaith, that iſſue was joined in

in this cauſe in —— term laſt paſt, and notice of trial given for the —— ſitting in (or for the ſittings after) the ſaid term (or for the laſt aſſizes holden at —— in and for the county of ——); and that the ſaid plaintiff did not proceed to the trial of this cauſe, purſuant to the ſaid notice.

G. H.

Sworn, *&c.*

The affidavit, if made after the ſecond term in town, or next aſſizes but one in the country, need not ſtate the notice of trial.

A. B. v. *C. D.* } Upon reading the affidavit of ——, and the entry of the iſſue on record, it is ordered that the plaintiff, upon notice of this rule to be given to his attorney, ſhall upon —— ſhew cauſe, why the like judgment ſhould not be given for the defendant as in the caſe of a nonſuit, purſuant to the ſtatute in ſuch caſe made and provided. Upon the motion of Mr. ——.

Rule of court thereon.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

G. H. of, *&c.* attorney for the defendant in this cauſe, maketh oath and ſaith, that this honourable court was moved in laſt —— term, for judgment as in caſe of a nonſuit, and upon ſhewing cauſe, the plaintiff peremptorily undertook to bring on the ſaid iſſue to be tried, at the —— ſitting within this preſent —— term; whereupon the annexed rule was made: And this deponent further ſaith, that the plaintiff

Affidavit for judgment as in caſe of a nonſuit, after a peremptory undertaking.

hath not proceeded to the trial of the ſaid iſſue, in purſuance of his ſaid undertaking.

G. H.

Sworn, *&c.*

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Notice of motion to put off a trial, for the abſence of a witneſs.

Take notice, that this honourable court will be moved on, *&c.* or ſo ſoon after as counſel can be heard, that the trial of the cauſe may be put off until next —— term, on account of the abſence of a material witneſs on the part of the defendant, and in the mean time all further proceedings be ſtayed.

Your's, *&c.*

G. H. defendant's attorney.

To Mr. *E. F.* plaintiff's attorney.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

Affidavit in ſupport thereof.

C. D. of, *&c.* the defendant in this cauſe, maketh oath and ſaith, that iſſue was joined in this cauſe in —— term laſt paſt, and that notice was given for the trial thereof at the —— ſitting within (or at the ſittings after) the ſaid term: And this deponent further ſaith, that *E. F.* late of, *&c.* is a material witneſs for him this deponent in the ſaid cauſe, as he is adviſed and believes, and that he cannot ſafely proceed to the trial thereof without the teſtimony of him the ſaid *E. F.* And this deponent further ſaith, that in conſequence of the notice of trial

ſo

ſo given as aforeſaid, he this deponent cauſed inquiry to be made, *&c.* (ſtating the nature and reſult of the inquiry made after the witneſs, and the time when he is likely to attend).

Record of *niſi prius.*

PLEAS before our lord the king at *Weſtminſter*, of —— term (the term in which iſſue is joined) in the —— year of the reign of our ſovereign lord *George* the third, by the grace of God, of *Great Britain*, *France* and *Ireland* king, defender of the faith, and ſo forth, and in the year of our Lord 179-.

Roll —— *Way.*

—— to wit. (Here copy the iſſue, beginning with the *memorandum* by bill, and the declaration by original; and then proceed as follows):

Second *placita.*

PLEAS before our lord the king at *Weſtminſter*, of —— term (the term in or after which the cauſe is tried), in the —— year of the reign, *&c.* (as before).

Jurata.

—— to wit. The jury between *A. B.* by his attorney plaintiff, and *C. D.* (inſerting his addition by original) defendant, of a plea of treſpaſs in the caſe, (or as the action is,) is reſpited before our lord the king at *Weſtminſter*, until —— next after ——, (the return of the *diſtringas*, or by original until —— whereſoever, *&c.*) unleſs the right honourable *Lloyd* Lord *Kenyon*, his majeſty's chief-juſtice aſſigned to hold pleas in the court of our ſaid lord the king before

the king himſelf, ſhall firſt come on —— the —— day of —— (the day of trial), at the *Guildhall* of the city of *London*, (or if in *Middleſex*, at *Weſtminſter-hall* in the county of *Middleſex*; or if in the country, "unleſs his majeſty's juſtices aſſigned to take the aſſizes in and for the county of —— ſhall firſt come on —— (the commiſſion-day of the aſſizes) at ——, (the place where the aſſizes are holden) in the ſaid county,") according to the form of the ſtatute in ſuch caſe made and provided, for default of the jurors, becauſe none of them did appear: Therefore let the ſheriff have the bodies of the ſaid jurors, to make the ſaid jury between the parties aforeſaid of the plea aforeſaid accordingly; the ſame day is given to the parties aforeſaid at the ſame place.

Sciendum. At the aſſizes, the *jurata* concludes as follows: And be it known, that the king's writ on record was delivered to the under-ſheriff of the ſaid county, on —— the —— day of —— in this ſame term, (the laſt day of the term preceding the trial,) before our lord the king at *Weſtminſter*, to be executed according to law, at his peril.

George the Third, &c. To the ſheriff (or coroner) of —— (or to —— and —— *eliſors* duly appointed in this behalf) greeting: We command you, that you cauſe to come before us at *Weſtminſter*, on —— next after —— (or by original, on —— whereſoever we ſhall then be in *England*: making the writ by bill returnable on a particular return-day; or by original, on a general return-day, before the trial; and if in a country cauſe, on the laſt particular or general return-day of the term;) twelve free and lawful men of the body of your county, each of whom has ten pounds a-year at the leaſt of lands, tenements or rents, by whom the truth of the matter may be the better known, and who are in nowiſe of kin either to *A. B.* the plaintiff, or to *C. D.* (inſerting his addition, by original) the defendant, to make a certain jury of the country between the parties aforeſaid, of a plea of treſpaſs on the caſe (or as the action may be), becauſe as well the ſaid *C. D.* as the ſaid *A. B.* between whom the matter in variance is, have put themſelves upon that jury; and have there then (or by original, "have there") the names of the jurors, and this writ. Witneſs *Lloyd* Lord *Kenyon* at *Weſtminſter*, the —— day of —— (the firſt day of the term in which the *venire* is returnable,) in the —— year of our reign.

Venire facias.

Way.

(As in the former writ, to theſe words, "to make a certain jury of the country between the parties aforeſaid," and then as follows:) as well to try the iſſue joined between the ſaid *A. B.* and *C. D.*

The like, where one defendant pleads, and another lets judgment go by default.

of a plea of treſpaſs on the caſe (or as the action may be) as to inquire againſt the ſaid *E. F.* what damages the ſaid *A. B.* hath ſuſtained, as well by means of the not performing of the ſaid promiſes and undertakings of the ſaid *E. F.* as for his coſts and charges by him about his ſuit in this behalf expended; whereupon it hath been conſidered, that the ſaid *A. B.* ought to recover his damages againſt the ſaid *E. F.* becauſe as well the ſaid *C. D.* as the ſaid *A. B.* between whom, *&c.* (as before).

The like, where there are ſeveral iſſues in fact and in law, and the jury are to aſſeſs contingent damages on the latter.

—— as well to try the iſſue joined between them, to be tried by the country, of a plea, *&c.* as to inquire what damages the ſaid *A. B.* hath ſuſtained on occaſion of the premiſes, whereof the ſaid parties have put themſelves upon the judgment of the court, if judgment ſhall happen to be given thereupon for the ſaid *A. B.* againſt the ſaid *C. D.* becauſe as well, *&c.*

Venire de novo.

George the Third, *&c.* To the ſheriff, *&c.* greeting: We command you, that you cauſe to come *anew* before, *&c.* (as in a common *venire*).

Diſtringas.

George the Third, *&c.* To the ſheriff, *&c.* greeting: We command you, that you diſtrain the ſeveral perſons named in the panel hereunto annexed, (or if it be a ſpecial jury, "that you diſtrain *E. F.* of, *&c.* *G. H.* of, *&c.*" naming them as in the Maſter's liſt,) jurors ſummoned in our court before us, between *A. B.* plaintiff and *C. D.* defendant, by all their lands and chattels in your bailiwick, ſo that neither they, nor any one by them, do lay hands

hands on the ſame, until you ſhall have another command from us in that behalf; and that you anſwer to us for the iſſues of the ſame, ſo that you have their bodies before us at *Weſtminſter*, on —— next after ——, (or by original, on —— whereſoever we ſhall then be in *England*; making the *diſtringas* returnable on the firſt particular or general return-day after the trial,) or before our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, if he ſhall firſt come on —— the —— day of —— (the day of trial) at the *Guildhall* of the city of *London* aforeſaid, (or if in *Middleſex*, at *Weſtminſter-hall* in the county of *Middleſex* aforeſaid; or if at the aſſizes, " before our juſtices aſſigned to take the aſſizes in your county, if they ſhall firſt come on —— (the commiſſion day of the aſſizes) at ——, (the place where the aſſizes are holden,) in your ſaid county,") according to the form of the ſtatute in ſuch caſe made and provided, to make a certain jury between the ſaid parties, of a plea of treſpaſs on the caſe, (or as the plea is,) and to hear their judgment thereupon of many defaults; and have there then (or by original, " have there") the names of the jurors, and this writ. Witneſs *Lloyd* Lord *Kenyon* at *Weſtminſter*, the —— day of —— (the return-day of the *venire* by bill, or *quarto die poſt* by original) in the —— year of our reign.

Way.

The like, on a trial by *proviſo*.

(After the words " many defaults" inſert the following *proviſo*:) Provided always, that if two writs ſhall

ſhall come to you thereupon, then you execute and return one of them only; and have there, *&c.*

Rule for a view, by a common jury.

A. B. } It is ordered, that there iſſue a writ of *diſ-*
v. } *tringas juratores*, to be directed to the
C. D. } ſheriff of the county of ——, in which ſhall be contained a clauſe, commanding the ſaid ſheriff to have ſix or ſome greater number of the jurors, to be impannelled and returned to try the iſſue between the parties, who ſhall be mutually conſented to by the ſaid parties or their agents, at the place in queſtion, before the time of the trial of the ſaid iſſue, to wit, upon —— the —— day of ——; and that —— on the part of the plaintiff, and —— on the part of the defendant, ſhall attend the ſame day, and ſhew the matters in queſtion to the ſaid ſix or ſome great number of the ſaid jurors, who ſhall be conſented to as aforeſaid; and that the expence of taking the ſaid view ſhall be equally borne by both parties, and no evidence ſhall be given on either ſide at the time of taking thereof: the plaintiff (or defendant) conſenting, that in caſe no view ſhall be had, or if a view ſhall be had by any of the jurors, whether they ſhall happen to be ſix or any particular number of the jurors who ſhall be ſo mutually conſented to as aforeſaid, yet the ſaid trial ſhall proceed, and no objection ſhall be made on account thereof, or for want of a proper return to the ſaid writ. Upon the motion of Mr. ——.

A. B.

A. B. v. *C. D.* } It is ordered, that there iſſue a writ of *diſtringas juratores*, to be directed to the ſheriff of the county of ——, in which ſhall be contained a clauſe, commanding the ſaid ſheriff to have ſix or more of the firſt twelve of the jurors, to be impannelled and returned to try the iſſue between the parties, at the place in queſtion, before the time of the trial of the ſaid iſſue, to wit, upon —— the —— day of ——; and that —— on the part of the plaintiff, and —— on the part of the defendant, ſhall attend the ſame day, and ſhew the matters in queſtion to the ſaid ſix or more of the firſt twelve of the ſaid jurors; and that the expence of taking the ſaid view ſhall be equally borne by both parties, and no evidence ſhall be given on either ſide at the time of taking thereof: the plaintiff (or defendant) conſenting, that in caſe no view ſhall be had, or if a view ſhall be had by any of the ſaid jurors, whether they ſhall happen to be any of the twelve jurors who ſhall be firſt named in the ſaid writ or not, yet the ſaid trial ſhall proceed, and no objection ſhall be made on account thereof, or for want of a proper return to the ſaid writ. Upon the motion of Mr. ——. The like, by a ſpecial jury.

George the Third, *&c.* To the ſheriff, *&c.* greeting: We command you, *&c.* (as in a common *diſtringas*, to the words "many defaults," and then as follows;) and in the mean-time, according to the form of the ſtatute in ſuch caſe made and provided, we command you, that you have ſix or ſome greater number of the ſaid jurors, who ſhall be mutually conſented to by the ſaid *A. B.* and *C. D.* or their *Diſtringas*, where a view is to be had by a common jury.

agents, to take a view of the place in queſtion, on —— the —— day of ——; and that the ſame jurors meet on the ſame day, at the houſe of —— in your county, and proceed from thence to view the ſaid place, in the preſence of —— on the part of the plaintiff, and —— on the part of the defendant, appointed by our court before us to ſhew the ſaid place to ſuch of the ſaid jurors as ſhall come to view the ſame; and in what manner you ſhall have executed this our command, make appear to us at *Weſtminſter* on the ſaid day (or by original, on the ſaid day wherefoever, *&c.*) and have there then this writ. Witneſs, *&c.*

The like, by a ſpecial jury.

—— and in the mean-time, according to the form of the ſtatute in ſuch caſe made and provided, we command you, that you have ſix or more of the firſt twelve of the ſaid jurors, to take a view of the place in queſtion, on the —— day of ——; and that the ſame jurors meet, *&c.* (as before).

Mittimus to the county-palatine of *Lancaſter*.

George the Third, *&c.* To our juſtices of our county-palatine of *Lancaſter*, greeting: The tenor of a certain record in our court before us at *Weſtminſter*, between *A. B.* plaintiff, and *C. D.* defendant, of a plea of treſpaſs on the caſe (or as the plea is), we ſend you incloſed in theſe preſents; commanding you, that having inſpected the ſame, by our writ under the ſeal of our ſaid county-palatine, you command the ſheriff of the ſame county, that he cauſe twelve free and lawful men of the body of the ſame county-palatine to come before you, at your next general ſeſſion of aſſize, there to be holden after this

this writ ſhall be delivered to you, each of whom having ten pounds a year at the leaſt, of lands, tenements or rents, by whom the truth of the matter in queſtion may be the better known and inquired into, and who are in nowiſe akin either to the ſaid *A. B.* or to the ſaid *C. D.* to recognize and make a certain jury of the country between the ſaid parties, of the plea aforeſaid, becauſe as well the ſaid *C. D.* as the ſaid *A. B.* between whom the matter in variance is, have put themſelves upon that jury; and alſo that you make ſuch further proceſs againſt the ſaid jurors, ſo to be impanelled between the ſaid parties, as is in this behalf uſed and commonly made, according to the law and cuſtom of the ſaid county-palatine, until the iſſue aforeſaid between the ſaid parties ſhall be fully tried; and when the verification and iſſue aforeſaid ſhall have been there made and tried before you, then do you ſend the record of the plaint aforeſaid, together with every thing that ſhall have been done before you thereupon, and alſo this writ, to us at *Weſtminſter*, at a certain day which you ſhall appoint to the ſaid parties to be in our ſaid court here, to hear judgment thereupon. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, where a view is to be had.

(As in the laſt writ, to theſe words, "until the iſſue aforeſaid between the ſaid parties ſhall be fully tried," and then proceed as follows;) and that in the writ of *habeas corpora juratorum* to be iſſued by you in this cauſe, there be contained a clauſe, commanding the ſheriff of the ſaid county-palatine to have ſix or more of the firſt twelve jurors, ſo to be impannelled and returned, who ſhall be mutually

conſented to by the ſaid parties or their agents, at the place in queſtion, before the time of the trial of the ſaid iſſue, to wit, on the —— day of —— next enſuing; and that —— on the part of the ſaid *A. B.* and —— on the part of the ſaid *C. D.* ſhall attend the ſame day, and ſhew the matters in queſtion to the ſaid ſix or more of the firſt twelve jurors, who ſhall be conſented to as aforeſaid; and when the verification and iſſue aforeſaid ſhall have been there made and tried, *&c.* (as before).

The like, to the city of *Cheſter*.

George the Third, *&c.* To our chamberlain of our county-palatine of *Cheſter*, or to his deputy there, greeting: The tenor of a certain record, which is depending in our court before us at *Weſtminſter*, between *A. B.* plaintiff and *C. D.* defendant, of a plea of treſpaſs on the caſe, we ſend you incloſed in theſe preſents; commanding you, that by our writ under the ſeal of our ſaid county-palatine duly to be made out, you cauſe the ſaid record to be ſent to the mayor of the city of *Cheſter* and county of the ſame city, commanding the ſaid mayor, that for trying the iſſue in the ſaid record ſpecified, the ſaid mayor do command the ſheriffs of the ſame city of *Cheſter* and county of the ſame city, that they cauſe to come before the ſaid mayor, at a certain day and place by the ſaid mayor to be appointed, after the ſaid record ſhall be delivered to him, twelve free and lawful men of the body of the city aforeſaid and county of the ſame city, each of whom, *&c.* by whom, *&c.* and who are in nowiſe, *&c.* to recognize, *&c.* becauſe as well, *&c.* and laſtly, that the ſaid mayor make ſuch further proceſs againſt the ſaid

ſaid jurors, ſo to be impannelled between the ſaid parties, as according to the law and cuſtom of the ſaid city and county of the ſame city, is in this behalf uſed and commonly made, until the iſſue aforeſaid between the parties aforeſaid ſhall be fully tried; and when the verification and iſſue aforeſaid ſhall have been there made and tried, then the ſaid mayor ſhall ſend to you the ſaid record of the plaint aforeſaid, with every thing that ſhall have been then and there done and tried before him therein, ſo that you have the ſaid record before us at *Weſtminſter*, and this writ, at a certain day which the ſaid mayor ſhall appoint to the ſaid parties to be in our ſaid court here, to hear judgment. Witneſs *Lloyd* Lord *Kenyon*, &c.

Præcipe for ſubpœna.

——, to wit. *Subpœna* to teſtify, between *A. B.* plaintiff and *C. D.* defendant, on the part of the plaintiff (or defendant).

E. F. attorney.

—— 179- .

Subpœna.

George the Third, *&c.* To *E. F.* &c. greeting: We command you, that laying aſide all and ſingular buſineſſes and excuſes, you and every of you be and appear in your proper perſons, before our right truſty and well beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, at the *Guildhall* of the city of *London*, (or in *Middleſex*, at *Weſtminſter-hall* in the county of *Middleſex*; or at the aſſizes, before our juſtices aſſigned to take the aſſizes in and for the county of —— at —— in

—— in the ſaid county,) on —— the —— day of —— inſtant (or next), by —— of the clock in the forenoon of the ſame day, to teſtify all and ſingular thoſe things which you or either of you know, in a certain cauſe now depending in our court before us, between *A. B.* plaintiff and *C. D.* defendant, of a plea of treſpaſs on the caſe (or as the action is), on the part of the plaintiff (or defendant), and on that day to be tried by a jury of the country; and this you, or any of you, ſhall by no means omit, under the penalty upon each of you of 100*l.* Witneſs *Lloyd* Lord *Kenyon*, &c.

Subpœna-ticket. By virtue of a writ of *ſubpœna* to you directed, and herewith ſhewn unto you, you are perſonally to be and appear before *Lloyd* Lord *Kenyon*, chief-juſtice of his majeſty's court of King's Bench, on —— the —— day of —— inſtant (or next), by —— of the clock in the forenoon of the ſame day, at the *Guildhall*, &c. (as in the *ſubpœna*), then and there to teſtify the truth according to your knowledge, in a certain cauſe now depending, and there to be tried, between *A. B.* plaintiff and *C. D.* defendant, of a plea of treſpaſs on the caſe (or as the action is), on the part of the plaintiff (or defendant); and this you are not to omit, under the penalty of 100*l.* Dated the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, king of *Great Britain*, &c. and in the year of our Lord 179-.

By the court.

E. F. attorney for plaintiff
(or defendant).

George

George the Third, &c. (as in a common *ſubpœna*, to the day of trial, and then proceed as follows:) and alſo that you bring with you and produce, at the time and place aforeſaid, a certain deed or inſtrument in writing, bearing date, &c. (deſcribing the thing to be produced,) then and there to teſtify and ſhew all and ſingular thoſe things, which you or either of you know, or the ſaid deed or inſtrument doth import, of and concerning a certain cauſe now depending, &c. (as before). *Subpœna duces tecum.*

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

A. B. of, &c. the above-named plaintiff, maketh oath and ſaith, that *E. F.* now a priſoner for debt, in cuſtody of the marſhal of this court, (or as the caſe may be,) is and will be a material witneſs for this deponent, at the trial of this cauſe: And this deponent further ſaith, that he is adviſed and verily believes, that he cannot ſafely proceed to the trial thereof, without the teſtimony of the ſaid *E. F.* and that he the ſaid *E. F.* is ready and willing to attend as a witneſs at the trial of the ſaid cauſe. Affidavit to obtain *habeas corpus ad teſtificandum.*

A. B.

Sworn, &c.

—— *Habeas corpus* to teſtify, between *A. B.* plaintiff and *C. D.* defendant, on the part of the plaintiff (or defendant). *Præcipe* for ſame.

E. F. attorney.

—— 179-.

Habeas corpus ad teſtificandum.

George the Third, *&c.* To the marſhal of our priſon of the marſhalſea, (or the officer in whoſe cuſtody the priſoner is,) greeting: We command you, that you have the body of *E. F.* detained in our priſon under your cuſtody, as it is ſaid, under ſafe and ſecure conduct, before our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, at the *Guildhall*, &c. (as in the *ſubpœna*,) on —— the —— day of —— next, by —— of the clock in the forenoon of the ſame day, there to teſtify the truth according to his knowledge, in a certain cauſe now depending in our court before us, and then and there to be tried, between *A. B.* plaintiff and *C. D.* defendant, of a plea of treſpaſs on the caſe (or as the action is), on the part of the ſaid *A. B.* (or the ſaid *C. D.*) and immediately after the ſaid *E. F.* ſhall then and there have given his teſtimony before our ſaid chief-juſtice, (if in town; and if in the country, before our ſaid juſtices,) that you return him the ſaid *E. F.* to our ſaid priſon, under ſafe and ſecure conduct; and have there then this writ. Witneſs *Lloyd* Lord *Kenyon*, &c.

Interrogatories for plaintiff.

INTERROGATORIES to be adminiſtered to *E. F.* a witneſs to be produced, ſworn and examined, on the part and behalf of *A. B.* plaintiff, in a certain cauſe now depending in his majeſty's court of King's Bench at *Weſtminſter*, againſt *C. D.* defendant, before —— one of his ſaid majeſty's juſtices of the ſame court, purſuant to a rule of the ſaid court, made on —— next after —— in the —— year of the reign of king *George* the Third (or if under an order, ſay,

ſay, " purſuant to an order of the ſaid juſtice, made the —— day of —— 179-.")

Imprimis. Do you know the parties, plaintiff and defendant, in the title of theſe interrogatories named, or either and which of them, and how long have you known them, or either and which of them? Declare, *&c.*

Secondly. Look upon the deed or writing now produced and ſhewn to you, at this the time of your examination, marked with the letter (A), and purporting to be an indenture of leaſe, *&c.* bearing date, *&c.* Was ſuch deed or writing ſealed and delivered in your preſence, and by whom? Were you a ſubſcribing witneſs to the ſealing and delivery thereof? And is the name *E. F.* indorſed thereupon, and appearing as the name of one of the witneſſes, of your own hand-writing? Do you know the hand writing of *G. H.* appearing to be the other witneſs to the ſaid deed or writing? Is the name *G. H.* indorſed thereupon, of the proper hand-writing of the ſaid *G. H.?* And did you ſee him ſet and ſubſcribe his name as a witneſs thereto? Declare, *&c.*

Laſtly. Do you know of any other matter or thing, or have you heard, or can you ſay any thing touching the matters in queſtion in this cauſe, that may tend to the benefit and advantage of the ſaid plaintiff, beſides what you have been interrogated unto? Declare the ſame fully and at large, as if you had been particularly interrogated thereto.

The like, for defendant.

INTERROGATORIES to be adminiſtered to *E. F.* a witneſs to be produced, ſworn and examined, on the part and behalf of *C. D.* the defendant, in a certain

cauſe now depending againſt him, in his majeſty's court of King's Bench at *Weſtminſter*, at the ſuit of *A. B.* plaintiff, before, &c.

The like, to croſs-examine a witneſs.

INTERROGATORIES to be adminiſtered by way of croſs-examination, to *E. F.* a witneſs, &c.

Order of reference, at *niſi prius*.

London, to wit. } At the ſitting of *niſi prius*, held at *Guildhall* in and for the city of *London*, on —— the —— day of ——, in the year of our Lord 179-, and in the —— year of the reign of our ſovereign lord *George* the Third, now king of *Great Britain*, &c. before the right honourable *Lloyd* Lord *Kenyon*, chief-juſtice of our lord the king, aſſigned to hold pleas before the king himſelf:

A. B. v. *C. D.* } It is ordered by the court, by and with the conſent of the plaintiff and defendant, their counſel and attornies, that the laſt juryman ſworn and impanelled in this cauſe, be withdrawn out of the panel, and that all matters in difference between the ſaid parties, be referred to the award, order, arbitrament, final end and determination of, &c. ſo as he ſhall make and publiſh his award in writing, of and concerning the premiſes in queſtion, on or before the —— day of —— term now next enſuing; and that the ſaid parties ſhall and do perform, fulfil and keep ſuch award, ſo to be made by him the ſaid arbitrator as aforeſaid: And it is alſo ordered, by and with ſuch conſent as aforeſaid, that

that the coſts of the ſaid cauſe ſhall abide the event and determination of the ſaid award, and that the coſts of the ſaid reference ſhall be in the diſcretion of the ſaid arbitrator, who ſhall direct and award by whom, and to whom, and in what manner the ſame ſhall be paid: And it is likewiſe ordered, by and with ſuch conſent as aforeſaid, that the plaintiff and defendant reſpectively ſhall be examined upon oath, to be ſworn before the ſaid lord chief-juſtice, or ſome other juſtice of the ſame court of our lord the king before the king himſelf, if thought neceſſary by the ſaid arbitrator; and do produce before the ſaid arbitrator, all books, papers and writings, touching and relating to the matters in difference between the ſaid parties, as the ſaid arbitrator ſhall think fit; and that the witneſſes of the plaintiff and defendant reſpectively ſhall be examined upon oath, to be ſworn before the ſaid lord chief-juſtice, or ſome other juſtice of the ſame court of our lord the king before the king himſelf: And it is likewiſe ordered, by and with ſuch conſent as aforeſaid, that neither the plaintiff nor the defendant ſhall proſecute or bring any action or ſuit, in any court of law or equity, againſt the ſaid arbitrator, or bring or prefer any bill in equity againſt each other, of and concerning the premiſes in queſtion, ſo as aforeſaid referred: And it is further ordered, by and with ſuch conſent as aforeſaid, that if either party ſhall by affected delay, or otherwiſe, wilfully prevent the ſaid arbitrator from making an award, he ſhall pay ſuch coſts to the other, as the ſaid court of our ſaid lord the king before the king himſelf ſhall think reaſonable and juſt: And laſtly it is ordered, by and with ſuch conſent as aforeſaid,

that the ſaid court of our ſaid lord the king before the king himſelf may be prayed, that this order may be made a rule of the ſame court.

Arbitration-bond, on a reference to two, with a clauſe of umpirage.

Know all men by theſe preſents, that I *C. D.* of, *&c.* am held and firmly bound to *A. B.* of, *&c.* in —— pounds of good and lawful money of *Great Britain*, to be paid to the ſaid *A. B.* or his certain attorney, executors, adminiſtrators or aſſigns; for which payment well and truly to be made, I bind myſelf, my heirs, executors and adminiſtrators, firmly by theſe preſents: Sealed with my ſeal. Dated the —— day of ——, in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God, of *Great Britain*, *France*, and *Ireland* king, defender of the faith, and ſo forth, and in the year of our Lord 179-.

The condition of this obligation is ſuch, that if the above-bounden *C. D.* his heirs, executors and adminiſtrators, and every of them, do and ſhall, for his and their part and behalf, in all things well and truly ſtand to, obey, abide, obſerve, perform, fulfil and keep the award, order, arbitrament, final end and determination of *E. F.* of, *&c.* and *G. H.* of, *&c.* arbitrators indifferently named, elected and choſen, as well by and on the part and behalf of the above-bounden *C. D.* as of the above-named *A. B.* to arbitrate, award, order, judge and determine, of and concerning all and all manner of action and actions, cauſe and cauſes of action, ſuits, bills, bonds, ſpecialties, judgments, executions, extents, quarrels, controverſies, treſpaſſes, damages and demands whatſoever,

ſoever, both at law and in equity, at any time or times heretofore had, made, moved, brought, commenced, ſued, proſecuted, done, ſuffered, committed or depending by and between the ſaid parties, ſo as the ſaid award be made in writing, on or before the —— day of —— now next enſuing; but if the ſaid arbitrators do not make ſuch their award, of and concerning the premiſes, by the time aforeſaid; then if the ſaid *C. D.* his heirs, executors and adminiſtrators, do and ſhall, for his and their part and behalf, in all things well and truly ſtand to, obey, abide, obſerve, perform, fulfil and keep the award, order, arbitrament, umpirage, final end and determination of *J. K.* of, *&c.* a perſon indifferently named and choſen as an umpire between the ſaid parties, of and concerning the premiſes, ſo as the ſaid umpire do make his award and umpirage in writing, of and concerning the premiſes, on or before the —— day of —— now next enſuing; then this obligation to be void, or elſe to remain in full force and virtue: And the ſaid *C. D.* doth conſent and agree, that his ſubmiſſion to the award or umpirage above-mentioned, ſhall be made a rule of his majeſty's court of King's Bench at *Weſtminſter*, purſuant to the ſtatute in ſuch caſe made and provided.

Sealed, *&c.*

In the King's Bench.

E. F. of, *&c.* maketh oath and ſaith, that he was preſent at the time of ſigning and ſealing the bond or obligation hereunto annexed; and that *C. D.* of, *&c.* therein-mentioned, did duly ſign, ſeal, and

Affidavit of the due execution thereof.

as his act and deed deliver the ſaid bond, in the preſence of this deponent; and that the name *C. D.* ſet and ſubſcribed to the ſaid bond, is of the proper hand-writing of the ſaid *C. D.* and that the name *E. F.* ſet and ſubſcribed as the witneſs thereto, is of the proper hand-writing of this deponent.

E. F.

Sworn, *&c.*

In the King's Bench.

Affidavit of the due execution of award.

E. F. of, *&c.* maketh oath and ſaith, that he this deponent did ſee *J. K.* of, *&c.* ſign, ſeal, publiſh and declare his final award and arbitrament in writing, between *A. B.* of, *&c.* and *C. D.* of, *&c.* bearing date the —— day of —— 179-. And this deponent further ſaith, that the name *J. K.* ſet and ſubſcribed to the ſaid award, as the party executing the ſame, is of the proper hand-writing of the ſaid *J. K.* and that the names *E. F.* and *G. H.* ſet and ſubſcribed thereto, as witneſſes atteſting the execution of the ſaid award, are of the reſpective hand-writing of this deponent and the ſaid *G. H.*

E. F.

Sworn, *&c.*

In the King's Bench.

Affidavit of demand and refuſal, &c. to ground attachment.

A. B. of, *&c.* maketh oath and ſaith, that he this deponent did on the —— day of —— laſt, perſonally attend from the hour of —— until the hour of —— in the forenoon of the ſame day, at ——, (the time and place mentioned in the award,) for the purpoſe of receiving the ſum of —— *l.* awarded to this deponent,

ponent, purſuant to a certain award in writing, which is hereunto annexed; but the ſaid *C. D.* did not attend at the time and place aforeſaid, or pay to this deponent the ſaid ſum of —— *l.* or any part thereof: And this deponent further ſaith, that on —— next after —— in this preſent —— term, the ſubmiſſion of this deponent and the ſaid *C. D.* to the ſaid award, contained in a certain bond or obligation, bearing date the —— day of —— 179-, was made a rule or order of this honourable court; and that he this deponent did on the —— day of —— laſt, perſonally ſerve the ſaid *C. D.* with a true copy of the ſaid rule or order and award, and at the ſame time ſhewed him the ſaid original rule or order and award, and demanded of him the payment of the ſaid ſum of —— *l.* ſo awarded to this deponent as aforeſaid; but the ſaid *C. D.* did not then, or at any time afterwards, pay the ſame, or any part thereof, to this deponent, and the ſaid ſum of —— *l.* now remains wholly due and owing to this deponent.

A. B.

Sworn, *&c.*

In the King's Bench.

A. B. plaintiff,
and
C. D. defendant.

The like, of the ſum awarded and taxed coſts.

A. B. of, *&c.* the plaintiff in this cauſe, maketh oath and ſaith, that he this deponent on the —— day of —— laſt, perſonally ſerved the above-named defendant, with a true copy of the rule and *allocatur*, and alſo a true copy of the award hereunto annexed, and at the ſame time ſhewed him the ſaid original rule, *allocatur* and award, and demanded of

of him the payment of the ſum of —— *l.* awarded to this deponent by *J. K.* of, *&c.* the arbitrator named in the ſaid award, and alſo the payment of the ſum of —— *l.* for the coſts allowed to him this deponent in the ſaid cauſe; but the ſaid defendant refuſed to pay the ſame or any part thereof, and the ſaid ſums of —— *l.* and —— *l.* ſtill remain wholly due and owing from him the ſaid defendant to this deponent.

A. B.

Sworn, *&c.*

Poſtea for the plaintiff on *non-aſſumpſit*, in a town-cauſe, where the defendant makes default.

Afterwards, that is to ſay, on the day and at the place within-contained, before the right honourable *Lloyd* Lord *Kenyon*, the chief-juſtice within-mentioned, *George Kenyon* eſquire being aſſociated unto the ſaid chief-juſtice, according to the form of the ſtatute in ſuch caſe made and provided, comes the within-named *A. B.* by his attorney within-mentioned, and the within-named *C. D.* although ſolemnly required, comes not, but makes default; therefore let the jurors of the jury, whereof mention is within made, be taken againſt him by his default: And the jurors of that jury being ſummoned, alſo come, who, to ſpeak the truth of the matters within contained, being choſen, tried and ſworn, ſay upon their oath, that the ſaid *C. D.* did undertake and promiſe, in manner and form as the ſaid *A. B.* hath within complained againſt him; and they aſſeſs the damages of the ſaid *A. B.* on occaſion of the not performing the promiſes and undertakings

dertakings within-mentioned, over and above his coſts and charges, by him about his ſuit in this behalf expended, to —— *l.* and for thoſe coſts and charges to forty ſhillings: Therefore, *&c.*

The like, where the defendant appears.

Afterwards, that is to ſay, on the day and at the place within-contained, before the right honourable *Lloyd* Lord *Kenyon*, the chief-juſtice within-mentioned, *George Kenyon* eſquire being aſſociated unto the ſaid chief-juſtice, according to the form of the ſtatute in ſuch caſe made and provided, come as well the within-named *A. B.* as the within-named *C. D.* by their reſpective attornies within-mentioned; and the jurors of the jury, whereof mention is within made, being ſummoned, alſo come, who, to ſpeak the truth of the matters within-contained, being choſen, tried and ſworn, ſay upon their oath, *&c.*

The like, with a *talis*.

Afterwards, that is to ſay, on the day and at the place within-contained, before the right honourable *Lloyd* Lord *Kenyon*, the chief-juſtice within-mentioned, *George Kenyon* eſquire being aſſociated unto the ſaid chief-juſtice, according to the form of the ſtatute in ſuch caſe made and provided, comes the within-named *A. B.* by his attorney within-mentioned, and the within-named *C. D.* although ſolemnly required, comes not, but makes default; therefore let the jurors of the jury, whereof mention is within made, be taken againſt him by his default: And the jurors of that jury being ſummoned, ſome of them, that is to ſay, *E. F.* &c. (here name ſuch of the jurors as appeared at the trial,)

trial,) come and are ſworn upon that jury; and becauſe the reſidue of the jurors of the ſame jury do not appear, therefore others of the by-ſtanders, being choſen by the ſheriff of the county aforeſaid, at the requeſt of the ſaid *A. B.* (or *C. D.*) and by the command of the ſaid chief-juſtice, (if in *London* or *Middleſex*; if at the aſſizes, "by command of the ſaid juſtices,") are appointed anew, whoſe names are annexed to the within-written panel, according to the form of the ſtatute in that caſe made and provided; which ſaid jurors ſo appointed anew, that is to ſay, *G. H.* &c. (naming the *tales-men*) being called, likewiſe come, who, together with the ſaid other jurors before impanelled and ſworn, being choſen, tried and ſworn to ſpeak the truth of the matters within-contained, ſay upon their oath, that the ſaid *C D.* did undertake and promiſe, *&c.* (as before).

The like, at the aſſizes.

Afterwards, that is to ſay, on the day and at the place within-contained, before —— one of the juſtices, *&c.* and —— one of the barons, *&c.* juſtices of our ſaid lord the king, aſſigned to take the aſſizes in the county of ——, according to the form of the ſtatute, *&c.*

The like, in the county-palatine of *Lancaſter*.

Afterwards, that is to ſay, at the next general ſeſſion of aſſize holden at *Lancaſter*, in and for the county-palatine of *Lancaſter* within-mentioned, upon —— the —— day of —— in the —— year of the reign of his preſent majeſty king *George* the Third, before —— one of the juſtices of our ſaid lord the king, *&c.* and —— one of the juſtices of

our ſaid lord the king, &c. juſtices of our ſaid lord the king at *Lancaſter* aforeſaid, cometh the within-named *A. B.* by his attorney, and prayeth to be done to him what the law requireth, in order to try the iſſue within-joined between him and the within-named *C. D.* and whereupon by a writ of our ſaid lord the king, the ſheriff of the ſaid county is commanded, that he cauſe to come before the ſaid juſtices here at *Lancaſter*, on —— next to come, in the ſame ſeſſion of aſſize, twelve, &c. by whom, &c. and who neither, &c. to recognize, &c. becauſe as well, &c. the ſame day is given to the ſaid parties here, &c. At which day here, come as well the ſaid *A. B.* by his attorney aforeſaid, as the ſaid *C. D.* by —— his attorney; and the ſheriff, to wit ——, now returneth before the ſaid juſtices at *Lancaſter*, the ſaid writ of *venire facias* to him in form aforeſaid directed, together with a panel of the names of the jurors to the ſame writ annexed, in all things ſerved and executed; and the jurors thereupon impanelled come not: therefore by another writ of the ſaid lord the king, the ſame ſheriff of the county aforeſaid is commanded, that he have their bodies before the ſaid juſtices at *Lancaſter*, on —— next to come, in the ſame ſeſſion, &c. At which day, to wit, on —— in the —— year of the reign, &c. come here as well the ſaid *A. B.* as the ſaid *C. D.* by their reſpective attornies aforeſaid; and the ſheriff returneth before the ſame juſtices at *Lancaſter*, the ſame writ, in all things ſerved and executed; and thereupon the jurors impanelled and drawn by ballot, according to the form of the ſtatute in ſuch caſe made and provided, being called over, likewiſe come, who

who to ſpeak the truth of the matters within-mentioned, being elected, tried and ſworn, on their oath ſay, &c. And hereupon the ſaid juſtices at *Lancaſter* aforeſaid, have prefixed to the ſaid parties, —— next to come, to be before the ſaid lord the king, to hear judgment, &c.

The like, in the county-palatine of *Cheſter*.

Afterwards, that is to ſay, at the ſeſſion of *Cheſter*, held at *Cheſter* in the county of *Cheſter*, in the common-hall of pleas of the ſaid county, upon —— the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God, of *Great Britain*, *France*, and *Ireland* king, defender of the faith, &c. before the honourable *James Mansfield*, the ſaid lord the king's chief-juſtice of *Cheſter*, and *Francis Burton* eſquire, the ſaid lord the king's other juſtice of the ſaid county, being the next ſeſſion for the ſaid county after the within-written record was delivered to the ſaid juſtices here comes the within-named *A. B.* by —— his attorney, and prays a writ of the ſaid lord the king of cauſing to come before the ſaid juſtices, upon —— in this ſame ſeſſion, twelve, &c. by whom, &c. and who neither, &c. to recognize, &c. becauſe as well, &c. the ſame day is given to the parties aforeſaid here, &c. upon which ſame ——, before the ſame juſtices here, come as well the ſaid *A. B.* by his attorney, as the within-named *C. D.* by —— his attorney; and —— eſquire, ſheriff of the ſaid county, doth now return here the ſaid writ of cauſing to come, to him in form aforeſaid directed, together with a panel of the jurors' names to that writ annexed, in every thing ſerved and executed;

and

and the jurors thereupon impanelled, being required, none of them came; therefore that jury was reſpited until —— next in this ſeſſion, for defect of jurors, *&c.* Therefore it is commanded to the ſheriff of the ſaid county, that he then have the bodies of the jurors aforeſaid, *&c.* the ſame day is given as well to the ſaid *A. B.* as to the ſaid *C. D.* here, *&c.* upon which ——, before the ſame juſtices here, come as well the ſaid *A. B.* by his ſaid attorney, as the ſaid *C. D.* by his ſaid attorney; and the ſaid ſheriff now returns here the ſaid writ of having the bodies of the jurors aforeſaid, to him in form aforeſaid directed, together with a panel of the jurors' names to that writ annexed, in every thing ſerved and executed; and the jurors thereupon impanelled, being required, that is to ſay, *E. F.*, *G. H.*, &c. &c. do come, and being choſen by ballot and ſworn, according to the form of the ſtatute in that caſe made and provided, upon their oaths ſay, *&c.* Therefore the ſaid juſtices prefix to the ſaid parties, to be before the king himſelf at *Weſtminſter*, on ——, then and there to hear judgment.

The like, in the city of *Cheſter*.

Afterwards, at the court of our lord the king of *Portmote* of the city of *Cheſter*, held at the ſame city, in the common-hall of pleas there, according to the uſe and cuſtom of the ſame city hitherto obtained and uſed, from time whereof the memory of man is not to the contrary, upon —— the —— day of —— in the —— year of the reign of the ſame lord the king, before —— eſquire, mayor of the ſaid city of *Cheſter*, being the next court of *Portmote* after this writ was delivered, here cometh the

ſaid *A. B.* by —— his attorney, and prays the ſaid lord the king's writ, to the ſheriff of the ſaid city of *Cheſter* to be directed, to cauſe to come before the ſaid mayor, twelve free and lawful men of the ſaid city, to try the ſaid iſſue; and it is granted unto him, returnable here at the next court of *Portmote* of the ſaid city of *Cheſter*, at the ſaid city in the ſaid common-hall of pleas, before the mayor of the ſaid city for the time being, to be held by adjournment upon —— the —— day of —— in the ſame year: At which next court of *Portmote* of the ſaid city of *Cheſter*, held at the ſame city, in the ſaid common-hall, upon —— the ſaid —— day of —— in the ſame year, before the ſame mayor of the ſaid city here come as well the ſaid *A. B.* by his ſaid attorney, as the ſaid *C. D.* by —— his attorney; and —— and ——, ſheriffs of the ſaid city of *Cheſter*, now return the ſaid writ of *venire facias*, to them in form aforeſaid directed, together with a panel of the jurors' names to that writ annexed, in every thing ſerved and executed; and the jurors thereupon impanelled being called, to wit, *E. F.*, *G. H.*, &c. &c. do come, who, to ſay the truth of the premiſes being choſen, tried and ſworn, ſay upon their oath, *&c.* And hereupon the ſaid —— eſquire, mayor of the ſaid city of *Cheſter*, prefixes —— next after —— for the parties aforeſaid to be before the king himſelf at *Weſtminſter*, then and there to hear judgment.

The like, on *non-aſſumpſit* by one of ſeveral defendants, where another has let judgment go by default.

Say upon their oath, that the ſaid *C. D.* did undertake and promiſe, in manner and form as the ſaid *A. B.* hath within complained againſt him; and they aſſeſs

assess the damages of the said *A. B.* on occasion of the not performing the within-mentioned promises and undertakings, as well against the said *C. D.* as against the within-named *E. F.* over and above the costs and charges of the said *A. B.* by him about his suit in this behalf expended, to —— *l.* and for those costs and charges to 40 *s.*: Therefore, *&c.*

Say upon their oath, that the said *C. D.* did within six years next before the day of exhibiting the bill (or by original, of suing out the original writ) of the said *A. B.* against the said *C. D.* in this cause, undertake and promise, in manner and form as the said *A. B.* hath within complained against him; and they assess the damages, *&c.* (as before, p. 218—19).

The like, on *non assumpsit infra sex annos.*

Say upon their oath, that the within-named *E. F.* in his life-time did undertake and promise, in manner and form as the said *A. B.* hath within in that behalf alledged; and they assess the damages, *&c.*

The like against an executor, on *non assumpsit* by the testator.

Say upon their oath, that the said *C. D.* on the day of exhibiting the within bill of the said *A. B.* (or by original, of suing out the original writ of the said *A. B.* in this behalf,) had divers goods and chattels, which were of the within-named *E. F.* at the time of his death, in the hands of him the said *C. D.* as executor of the last will and testament of the said *E. F.* to be administered, to the value of —— *l.* as the said *A. B.* hath within in that behalf alledged; and they assess the damages, *&c.*

The like, on *plene administravit.*

The like, on *nil debet.*

Say upon their oath, that the ſaid *C. D.* doth owe to the ſaid *A. B.* the within-mentioned ſum of —— *l.* in manner and form as the ſaid *A. B.* hath within in that behalf alledged; and they aſſeſs the damages of the ſaid *A. B.* on occaſion of the detaining the within debt, over and above his coſts and charges by him about his ſuit in this behalf expended, to 1 *s.* and for thoſe coſts and charges to 40 *s.*: Therefore, *&c.*

The like, on *non eſt factum.*

Say upon their oath, that the within-mentioned writing obligatory is the deed of the ſaid *C. D.* as the ſaid *A. B.* hath within in that behalf alledged; and they aſſeſs the damages, *&c.* (as in the laſt).

The like, on *ſolvit ad diem.*

Say upon their oath, that the ſaid *C. D.* did not pay to the ſaid *A. B.* the within-mentioned ſum of —— *l.* or any part thereof, on the —— day of ——, in the condition of the within writing obligatory mentioned, according to the form and effect of the ſaid condition, in manner and form as the ſaid *C. D.* hath within in that behalf alledged; and they aſſeſs the damages, *&c.*

The like on an indemnity-bond, where damages are aſſeſſed on the ſtat. 8 & 9 *W. III.* c. 11.

Say upon their oath, that the ſaid *C. D.* did not indemnify, *&c.* but wholly refuſed and neglected ſo to do, contrary to the tenor and effect of the condition of the within-mentioned writing obligatory, in manner and form as the ſaid *A. B.* hath within in that behalf alledged; and they aſſeſs the damages of the ſaid *A. B.* on occaſion of the detaining the within debt, over and above his coſts and charges by him about his ſuit in this behalf expended, to

1 *s.*

11 *s.* and for those costs and charges to 40 *s.*; and they also assess the damages of the said *A. B.* on occasion of the breach of the said condition within assigned, according to the form of the statute in that case made and provided, to —— *l.*: Therefore, *&c.*

— as to the sum of —— *l.* in the —— count of the within declaration mentioned, parcel of the sum of —— *l.* within demanded, upon their oath say, that the said *C. D.* doth owe the said sum of —— *l.* to our said lord the king and the said *A. B.* who sues as aforesaid, in manner and form as the said *A. B.* who sues as aforesaid hath within complained against him; and they assess the costs and charges of the said *A. B.* who sues as aforesaid, by him about his suit in this behalf expended, to 40 *s.* And as to the residue of the said sum of —— *l.* in the other counts of the within declaration mentioned, the jurors aforesaid upon their oath aforesaid say, that the said *C. D.* doth not owe the same or any part thereof to our said lord the king and the said *A. B.* who sues as aforesaid, as the said *C. D.* hath within in that behalf alledged: Therefore, *&c.*

The like on a penal statute, where part is found for the defendant.

Say upon their oath, that the said *C. D.* is guilty of the premises within laid to his charge, in manner and form as the said *A. B.* hath within complained against him; and they assess the damages of the said *A. B.* on occasion thereof, over and above his costs and charges by him about his suit in this behalf expended, to —— *l.* and for those costs and charges to 40 *s.*: Therefore, *&c.*

The like, on not guilty, in case.

The like, on *non cepit*, in replevin.

Say upon their oath, that the ſaid *C. D.* did take the within-mentioned cattle, goods and chattels, in manner and form as the ſaid *A. B.* hath within complained againſt him; and they aſſeſs the damages, *&c.* (as in the laſt).

The like, on not guilty, in treſpaſs.

Say upon their oath, that the ſaid *C. D.* is guilty of the ſeveral treſpaſſes within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him; and they aſſeſs the damages, *&c.*

The like, on ſeveral iſſues, in treſpaſs and aſſault.

— as to the firſt iſſue within joined between the parties aforeſaid, upon their oath ſay, that the ſaid *C. D.* is guilty of the ſeveral treſpaſſes within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him: And as to the laſt iſſue within joined between the parties aforeſaid, the jurors aforeſaid upon their oath aforeſaid ſay, that the ſaid *C. D.* at the within-mentioned time when, *&c.* of his own wrong, and without any ſuch cauſe as he the ſaid *C. D.* hath within in that behalf alledged, aſſaulted, beat, bruiſed, wounded and ill-treated the ſaid *A. B.* in manner and form as the ſaid *A. B.* hath within complained againſt him; and they aſſeſs the damages, *&c.*

The like, on not guilty to a new-aſſignment, where ſeveral iſſues are found for the defendant.

— as to the firſt iſſue within joined between the parties aforeſaid, upon their oath ſay, that the ſaid *C. D.* is not guilty of the ſeveral treſpaſſes within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him: And as to the ſecond iſſue within joined between the parties afore-

aforeſaid, the jurors aforeſaid upon their oath ſay, that the ſaid *C. D.* at the within-mentioned time when, *&c.* did not of his own wrong, but for ſuch cauſe as he the ſaid *C. D.* hath within in his laſt plea in that behalf alledged, aſſault, beat, bruiſe, wound and ill-treat the ſaid *A. B.* as in the firſt count of the within declaration is mentioned: And as to the laſt iſſue within joined between the parties aforeſaid, the jurors aforeſaid upon their oath ſay, that the ſaid *C. D.* is guilty of the treſpaſs within anew aſſigned, in manner and form as the ſaid *A. B.* hath within complained againſt him; and they aſſeſs the damages of the ſaid *A. B.* on occaſion of the committing of the ſaid laſt-mentioned treſpaſs, over and above his coſts and charges by him about his ſuit in this behalf expended, to —— *l.* and for thoſe coſts and charges to 40 *s.*: Therefore, *&c.*

The like, where one defendant is found guilty, and another acquitted.

Say upon their oath, that the ſaid *C. D.* is guilty of the ſeveral treſpaſſes within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him; and they aſſeſs the damages of the ſaid *A. B.* againſt the ſaid *C. D.* on occaſion thereof, over and above his coſts and charges by him about his ſuit in this behalf expended, to —— *l.* and for thoſe coſts and charges to 40 *s.* And the jurors aforeſaid upon their oath aforeſaid further ſay, that the ſaid *E. F.* is not guilty of the ſeveral treſpaſſes within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him: Therefore, *&c.*

The like, on not guilty, in ejectment.

Say upon their oath, that the ſaid *C. D.* is guilty of the treſpaſs and ejectment within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him; and they aſſeſs the damages, &c.

The like, where part is found for the plaintiff, and part for the defendant.

— as to —— parcel of the tenements within-mentioned, ſay upon their oath, that the ſaid *C. D.* is guilty of the treſpaſs and ejectment within laid to his charge, in manner and form as the ſaid *A. B.* hath within thereof complained againſt him; and they aſſeſs the damages, &c. And as to the reſidue of the tenements within-mentioned, the jurors aforeſaid upon their oath aforeſaid ſay, that the ſaid *C. D.* is not guilty of the treſpaſs and ejectment within laid to his charge, in manner and form, &c.: Therefore, &c.

The like on a nonſuit, for not confeſſing leaſe, entry and ouſter.

Afterwards, that is to ſay, on, &c. at, &c. before, &c. comes the within-named *John Doe* by his attorney within-mentioned, and the within-named *Richard Roe*, although ſolemnly required, comes not, but makes default; therefore let the jurors of the jury, whereof mention is within made, be taken againſt him by his default; and the jurors of that jury being ſummoned alſo come, and to ſpeak the truth of the matters within contained being choſen tried and ſworn, the ſaid *Richard Roe*, although ſolemnly called to appear, by himſelf or his counſel or attorney, to confeſs leaſe entry and ouſter, doth not come by himſelf or his counſel or attorney, nor doth he confeſs leaſe entry and ouſter, but therein

makes

makes default; wherefore the ſaid *John Doe* doth not further proſecute his writ (or bill) againſt the ſaid *Richard Roe*: Therefore, *&c.*

Poſtea, where a juror is withdrawn.

— and the jurors of that jury being ſummoned alſo come, who to ſpeak the truth of the matters within contained, were choſen tried and ſworn; whereupon for certain cauſes, moving as well the ſaid chief-juſtice (or juſtices) as the within-named plaintiff and defendant, *E. F.* one of the jurors of the ſaid jury, is withdrawn from the panel thereof; and the reſidue of the jurors of that jury are altogether diſcharged from giving any verdict of and upon the premiſes within-mentioned, *&c.*

Poſtea for the defendant, on a nonſuit.

— and the jurors of that jury being ſummoned alſo come, who to ſpeak the truth of the matters within contained, were choſen tried and ſworn; and after evidence being given to them thereupon, they went from the bar of this court, to conſider of their verdict to be given of and upon the premiſes; and after the ſaid jury had conſidered thereof, and agreed among themſelves, they returned to the ſaid bar, to give their verdict in this behalf; upon which the ſaid *A. B.* being ſolemnly called, comes not, nor does he further proſecute his bill (or writ) againſt the ſaid *C. D.*: Therefore, *&c.*

The like, on a verdict on *non aſſumpſit.*

Say upon their oath, that the ſaid *C. D.* did not undertake or promiſe, in manner and form as the ſaid *A. B.* hath within complained againſt him: Therefore, *&c.*

The like, where one defendant had let judgment go by default.

Say upon their oath, that the ſaid *C. D.* did not undertake or promiſe, in manner and form as the ſaid *A. B.* hath within complained againſt him; and hereupon the ſaid jurors are diſcharged from inquiring againſt the within-named *E. F.* what damages the ſaid *A. B.* hath ſuſtained by reaſon of the premiſes within-mentioned: Therefore, *&c.*

The like, on a plea of ſet-off.

Say upon their oath, that the ſaid *A. B.* was and is indebted to the ſaid *C. D.* in manner and form as the ſaid *C. D.* hath within in pleading alledged: Therefore, *&c.*

The like for an executor, on *non aſſumpſit* by the teſtator.

Say upon their oath, that the within-named *E. F.* in his life-time did not undertake or promiſe, in manner and form as the ſaid *A. B.* hath within in that behalf alledged: Therefore, *&c.*

The like, on *plene adminiſtravit.*

Say upon their oath, that the ſaid *C. D.* on the day of exhibiting the within bill of the ſaid *A. B.* (or by original, of ſuing out the original writ of the ſaid *A. B.* in this behalf,) had not any goods or chattels, which were of the within-named *E. F.* at the time of his death, in the hands of him the ſaid *C. D.* as executor of the laſt will and teſtament of the ſaid *E. F.* to be adminiſtered, as the ſaid *C. D.* hath within in pleading alledged: Therefore, *&c.*

The like, on *nil debet.*

Say upon their oath, that the ſaid *C. D.* doth not owe to the ſaid *A. B.* the within-mentioned ſum of —— *l.* or any part thereof, as the ſaid *A. B.* hath within in that behalf alledged: Therefore, *&c.*

Say

Say upon their oath, that the within-mentioned writing obligatory is not the deed of the ſaid *C. D.* as the ſaid *A. B.* hath within in that behalf alledged: Therefore, *&c.*

The like, on *non eſt factum.*

— as to the firſt iſſue within joined between the parties aforeſaid, upon their oath ſay, that the within-mentioned writing obligatory is the deed of the ſaid *C. D.* as the ſaid *A. B.* hath within in that behalf alledged: And as to the laſt iſſue within joined between the parties aforeſaid, the jurors aforeſaid upon their oath aforeſaid ſay, that it was corruptly and againſt the form of the ſtatute, *&c.* agreed between the ſaid *A. B.* and the ſaid *C. D.* in manner and form as the ſaid *C. D.* hath within in pleading alledged: Therefore, *&c.*

The like on the ſtatute of uſury, and for the plaintiff on *non eſt factum.*

Say upon their oath, that the ſaid *C. D.* is not guilty of the premiſes within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him: Therefore, *&c.*

The like, on not guilty, in caſe.

— as to the firſt iſſue within joined between the parties aforeſaid, upon their oath ſay, that the ſaid *A. B.* held and enjoyed the within-mentioned meſſuage or dwelling-houſe and premiſes with the appurtenances, as tenant thereof to the ſaid *C. D.* by virtue of the within-mentioned demiſe, as the ſaid *C. D.* hath within in that behalf in pleading alledged: And as to the laſt iſſue within joined between the parties aforeſaid, the jurors aforeſaid upon their oath aforeſaid ſay, that at the time in that behalf within-mentioned, the rent within-ſpecified was in arrear and unpaid

The like in replevin, on ſeveral iſſues.

unpaid from the ſaid *A. B.* to the ſaid *C. D.* as the ſaid *C. D.* hath within in that behalf in pleading alledged: Therefore, &c.

The like on the ſtat. 17 *Car. II.* c. 7.

(As in the laſt, to the end of the finding upon the iſſues, and then as follows:) And the jurors aforeſaid, at the prayer of the ſaid *C. D.* according to the form of the ſtatute in ſuch caſe made and provided, having proceeded to inquire concerning the ſum of the arrears of the rent within-ſpecified, and the value of the goods and chattels diſtrained, upon their oath aforeſaid ſay, that the ſum of ſuch arrears was —— *l.* and that the goods and chattels diſtrained were of the value of —— *l.*: Therefore, &c.

The like, on not guilty, in treſpaſs.

Say upon their oath, that the ſaid *C. D.* is not guilty of the ſeveral treſpaſſes within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him: Therefore, &c.

The like, in ejectment.

Say upon their oath, that the within-named *C. D.* is not guilty of the treſpaſs and ejectment within laid to his charge, in manner and form as the ſaid *A. B.* hath within complained againſt him: Therefore, &c.

Special verdict in ejectment.

Afterwards, that is to say, on the day and at the place within-contained, &c. (as in a common *postea*, to the finding of the jury, which varies according to the facts of the case, and conclude as follows:)— But whether or not upon the whole matter aforesaid, by the jurors aforesaid in form aforesaid found, the said *C. D.* is guilty of the trespass and ejectment within-specified, the jurors aforesaid are altogether ignorant; and thereupon they pray the advice of the court of our said lord the king, before the king himself: And if upon the whole matter aforesaid, it shall seem to the said court, that the said *C. D.* is guilty of the trespass and ejectment aforesaid, then the jurors aforesaid upon their oath aforesaid say, that the said *C. D.* is guilty thereof, in manner and form as the said *John Doe* hath within thereof complained against him; and in that case, they assess the damages of the said *John Doe* on occasion of the trespass and ejectment aforesaid, besides his costs and charges by him about his suit in that behalf expended, to —— *l.* and for those costs and charges to —— *s.* But if upon the whole matter aforesaid, it shall seem to the said court, that the said *C. D.* is not guilty of the trespass and ejectment aforesaid, then the jurors aforesaid upon their oath aforesaid say, that the said *C. D.* is not guilty thereof, in manner and form as he hath within in pleading alledged. And because, &c.

Demurrer to evidence by the defendant, where the damages are assessed conditionally.

Afterwards, that is to say, on the day and at the place within-contained, before —— one of the justices of our said lord the king, assigned to hold pleas in the court of our said lord the king before the king himself, and —— one of the barons of our said lord the king, of his court of Exchequer at *Westminster*, and others their fellows, justices of our said lord the king, assigned to take the assizes in and for the county of ——, according to the form of the statute in such case made and provided, come as well the within-named *A. B.* as the within-named *C. D.* by their respective attornies within-mentioned; and the jurors of the jury whereof mention is within made, being summoned, also come, and being chosen tried and sworn to say the truth of the matters within-contained, the said *A. B.* to prove and maintain the issue within joined on his part, shews in evidence to the jury aforesaid, by *E. F.* a witness duly sworn in that behalf, that, *&c.* (here state the evidence on the part of the plaintiff:) And the said *C. D.* says, that the aforesaid matters to the jurors aforesaid in form aforesaid shewn in evidence by the said *A. B.* are not sufficient in law to maintain the said issue within joined on the part of the said *A. B.*, and that he the said *C. D.* to the matters aforesaid, in form aforesaid shewn in evidence, hath no necessity, nor is he obliged by the law of the land to answer; and this he is ready to verify, wherefore for want of sufficient matter in that behalf, shewn in evidence to the jury aforesaid, the said *C. D.* prays judgment, and that the jury aforesaid may be discharged from giving any verdict upon the said issue, and that the said *A. B.* may be barred from having his said action against the said *C. D.* &c.

And

Joinder in demurrer.

And the ſaid *A. B.* for that he hath ſhewn in evidence to the ſaid jurors, ſufficient matter in maintenance of the ſaid iſſue, which matter the ſaid *C. D.* doth not deny, nor in any manner anſwer thereto, prays judgment, and his damages by reaſon of the premiſes to be adjudged to him, *&c.* Whereupon it is told to the jurors aforeſaid, that they ſhall inquire what damages the ſaid *A. B.* has ſuſtained, as well by reaſon of the matter ſhewn in evidence as aforeſaid, as for his coſts and charges by him about his ſuit in this behalf expended, in caſe it ſhall happen that judgment ſhall be given upon the evidence aforeſaid for the ſaid *A. B.* And the jurors aforeſaid upon their oath aforeſaid thereupon ſay, that if it ſhall happen that judgment ſhall be given for the ſaid *A. B.* upon the evidence aforeſaid, then they aſſeſs the damages of the ſaid *A. B.* by him ſuſtained by reaſon of the matter ſhewn in evidence as aforeſaid, beſides his coſts and charges by him about his ſuit in this behalf expended, to —— *l.* and for thoſe coſts and charges to —— *s.* And thereupon the ſaid jurors, by the aſſent of the ſaid parties, are diſcharged from giving any further verdict upon the premiſes.

The like, by the plaintiff, where the jury are diſcharged.

Afterwards, that is to ſay, on the day and at the place within-contained, *&c.* (as in the laſt, *mutatis mutandis*, to the prayer at the end of the demurrer, which is as follows:) prays judgment, and that the jury aforeſaid may be diſcharged from giving any verdict upon the ſaid iſſue, and that his damages by reaſon of the premiſes within-mentioned may be adjudged to him, *&c.*

And

Joinder in demurrer.

And the ſaid *C. D.* for that he hath ſhewn in evidence to the jury aforeſaid, ſufficient matter to maintain the ſaid iſſue within joined, on the part of the ſaid *C. D.* and which he is ready to verify; and foraſmuch as the ſaid *A. B.* doth not deny, nor in any manner anſwer the ſaid matter, prays judgment, and that the ſaid *A. B.* may be barred from having his aforeſaid action againſt him, and that the jury aforeſaid may be diſcharged from giving their verdict upon the ſaid iſſue, *&c.*: Wherefore let the jury aforeſaid be diſcharged by the court here, by the aſſent of the parties, from giving any verdict thereupon.

Bill of exceptions.

—— to wit. *Be it remembered*, that in the term of —— in the —— year of the reign of our ſovereign lord *George* the Third, now king of *Great Britain*, and ſo forth, came *A. B.* by —— his attorney, into the court of our ſaid lord the king before the king himſelf at *Weſtminſter*, and impleaded *C. D.* in a certain plea of treſpaſs on the caſe upon promiſes; on which the ſaid *A. B.* declared againſt him, that, *&c.* (ſet out the declaration and other pleadings, and then proceed as follows:) And thereupon iſſue was joined between the ſaid *A. B.* and the ſaid *C. D.* And afterwards, to wit, at the ſittings of *niſi prius* held at the *Guildhall* of the city of *London* aforeſaid, in and for the ſaid city, on —— the —— day of —— in the —— year of the reign of our ſaid lord the king, before the right honourable *Lloyd* Lord *Kenyon*, chief-juſtice of our ſaid lord the

king, aſſigned to hold pleas in the court of our ſaid lord the king before the king himſelf, *George Kenyon* eſquire being aſſociated unto the ſaid chief-juſtice, according to the form of the ſtatute in ſuch caſe made and provided, the aforeſaid iſſue ſo joined between the ſaid parties as aforeſaid, came on to be tried by a jury of the city of *London* aforeſaid, for that purpoſe duly impanelled, that is to ſay, *E. F.* of, *&c.* and *G. H.* of, *&c.* good and lawful men of the ſaid city of *London*: At which day came there as well the ſaid *A. B.* as the ſaid *C. D.* by their reſpective attornies aforeſaid; and the jurors of the jury aforeſaid, impanelled to try the ſaid iſſue, being called, alſo came, and were then and there in due manner choſen and ſworn to try the ſame iſſue; and upon the trial of that iſſue, the counſel learned in the law for the ſaid *A. B.* to maintain and prove the ſaid iſſue on his part, gave in evidence that, *&c.* (here ſet out the evidence on the part of the plaintiff, and afterwards that on the part of the defendant, and then proceed as follows:) Whereupon the ſaid counſel for the ſaid *C. D.* did then and there inſiſt before the ſaid chief-juſtice, on the behalf of the ſaid *C. D.* that the ſaid ſeveral matters ſo produced and given in evidence on the part of the ſaid *C. D.* as aforeſaid, were ſufficient, and ought to be admitted and allowed as deciſive evidence, to entitle the ſaid *C. D.* to a verdict, and to bar the ſaid *A. B.* of his action aforeſaid; and the ſaid counſel for the ſaid *C. D.* did then and there pray the ſaid chief-juſtice, to admit and allow the ſaid matters ſo produced and given in evidence for the ſaid *C. D.* to be concluſive evidence in favour of the ſaid *C. D.* to

entitle

entitle him to a verdict in this cauſe, and to bar the ſaid *A. B.* of his action aforeſaid: But to this the counſel learned in the law of the ſaid *A. B.* did then and there inſiſt before the ſaid chief-juſtice, that the ſame were not ſufficient, nor ought to be admitted or allowed to entitle the ſaid *C. D.* to a verdict, or to bar the ſaid *A. B.* of his action aforeſaid; and the ſaid chief-juſtice did then and there declare and deliver his opinion to the jury aforeſaid, that the ſaid ſeveral matters ſo produced and given in evidence on the part of the ſaid *C. D.* were not ſufficient to bar the ſaid *A. B.* of his action aforeſaid, and with that direction left the ſame to the ſaid jury; and the jury aforeſaid then and there gave their verdict for the ſaid *A. B.* and —— *l.* damages; whereupon the ſaid counſel for the ſaid *C. D.* did then and there, on the behalf of the ſaid *C. D.* except to the aforeſaid opinion of the ſaid chief-juſtice, and inſiſted on the ſaid ſeveral matters as an abſolute bar to the ſaid action: And inaſmuch as the ſaid ſeveral matters ſo produced and given in evidence on the part of the ſaid *C. D.* and by his counſel aforeſaid objected and inſiſted on as a bar to the action aforeſaid, do not appear by the record of the verdict aforeſaid, the ſaid counſel for the ſaid *C. D.* did then and there propoſe their aforeſaid exception to the opinion of the ſaid chief-juſtice, and requeſted him to put his ſeal to this bill of exceptions, containing the ſaid ſeveral matters ſo produced and given in evidence on the part of the ſaid *C. D.* as aforeſaid, according to the form of the ſtatute in ſuch caſe made and provided; and thereupon the ſaid chief-juſtice, at the requeſt of the ſaid counſel for the ſaid *C. D.*

did put his ſeal to this bill of exceptions, purſuant to the aforeſaid ſtatute in ſuch caſe made and provided, on the ſaid —— day of —— in the —— year of the reign of his preſent majeſty.

A. B. v. *C. D.* } It is ordered, that the attorney for the —— ſhall give notice to Mr. —— attorney for the —— of the time of taxing coſts between the parties, that he may be preſent if he thinks fit.

Rule to be preſent at taxing coſts.

A. B. plaintiff,
and
C. D. defendant.

In the King's Bench.

E. F. of, *&c.* gentleman, attorney for the above-named plaintiff, and *A. B.* of, *&c.* the ſaid plaintiff, ſeverally make oath and ſay; and firſt this deponent *E. F.* for himſelf ſaith, that notice of trial was given in this cauſe for the laſt aſſizes to be holden at —— in the county of ——, and that the ſame was tried before a ſpecial jury of the ſaid county; and that he did cauſe —— *ſubpœnas* to be iſſued out on the part of the plaintiff, and that *G. H.* of, *&c.* *J. K.* of, *&c.* *&c.* were all of them ſeverally ſubpœnaed on the part of the plaintiff, and received one ſhilling each with their *ſubpœnas*: And this deponent further ſaith, that the places of reſidence of the ſaid *G. H.* and *J. K.* &c. are diſtant from this deponent's reſidence —— miles: And this deponent further ſaith, that all the ſaid witneſſes were material and neceſſary for the ſaid plaintiff; and that he this deponent was

Affidavit of increaſed coſts.

neceſſarily abſent from his place of reſidence, in going to, ſtaying at and returning from the aſſizes —— days, and that his ſaid place of reſidence is diſtant from —— aforeſaid —— miles, and that he did pay for conveying himſelf to and from —— aforeſaid, and for his expences on the road, the ſum of —— *l.* And this deponent further ſaith, that he did pay to Mr. —— with his brief and his clerk —— *l.* and to Mr. —— and his clerk —— *l.* &c. and alſo the following court fees; to the under-ſheriff for returning the *diſtringas* ——, to the marſhal for entering the record ——, to the marſhal ——, to the cryer ——, and to the aſſociate ——: And this deponent *A. B.* for himſelf ſaith, that the ſaid *G. H. J. K.* &c. were neceſſarily abſent from their places of abode, in going to, ſtaying at and returning from the aſſizes —— days; and that he this deponent did pay to the ſaid *G. H. J. K.* &c. for their loſs of time and chaiſe-hire —— *l.* their places of abode being diſtant from —— aforeſaid —— miles.

E. F.

Sworn, *&c.* *A. B.*

In the King's Bench. *A. B.* plaintiff, and *C. D.* defendant.

Affidavit for leave to enter ſuggeſtion for coſts, on the court of conſcience act for *London*.

C. D. of, *&c.* maketh oath and ſaith, that he this deponent and the above-named plaintiff at the time of the commencement of this ſuit were, and ever ſince have been, and ſtill are reſpectively inhabiting and reſiant in the city of *London*; and that he this deponent hath been for and during all that time, and

and ſtill is liable to be ſummoned to the court of requeſts held at the *Guildhall* of the ſaid city; and that the ſaid plaintiff on the trial of the ſaid cauſe, obtained a verdict for —— *s.* and no more,

C. D.

Sworn, *&c.*

Judgment by *nil dicit* in *aſſumpſit* by bill, of the ſame term with the declaration.

As yet of —— term (the term of which interlocutory judgment is ſigned) in the —— year of the reign of king *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

Way.

—— to wit. *A. B.* puts in his place *E. F.* his attorney, againſt *C. D.* in a plea of treſpaſs on the caſe upon promiſes.

—— to wit. The ſaid *C. D.* in perſon, (or if he appeared by attorney; "The ſaid *C. D.* puts in his place *G. H.* his attorney,") at the ſuit of the ſaid *A. B.* in the plea aforeſaid.

—— to wit. *Be it remembered*, that on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes *A. B.* by *E. F.* his attorney, and brings into the court of our ſaid lord the king before the king himſelf now here, his certain bill againſt *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, of a plea of treſpaſs on the caſe upon promiſes; and there are pledges for the proſecution thereof, to wit, *John Doe* and *Richard Roe*; which ſaid bill follows in theſe words, that is to ſay:

—— to wit. *A. B.* complains of *C. D.* being in the cuſtody, *&c.* (here copy the declaration to the end, omitting the pledges, and proceed on a new line as follows:)

And the ſaid *C. D.* in his proper perſon (or by *G. H.* his attorney), comes and defends the wrong and injury when, *&c.* and ſays nothing in bar or preclusion of the ſaid action of the ſaid *A. B.* whereby the ſaid *A. B.* remains therein undefended againſt the ſaid *C. D.* wherefore the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages on occaſion of the premiſes: But becauſe it is unknown to the court of our ſaid lord the king now here, what damages the ſaid *A. B.* hath ſuſtained by means of the premiſes; the ſheriff is commanded, that by the oath of twelve good and lawful men of his bailiwick, he diligently inquire what damages the ſaid *A. B.* hath ſuſtained, as well by means of the premiſes, as for his coſts and charges by him about his ſuit in this behalf expended; and that he ſend the inquiſition which he ſhall thereupon take, to our ſaid lord the king at *Weſtminſter*, on —— next after ——, under his ſeal, and the ſeals of thoſe by whoſe oath he ſhall take that inquiſition, together with the writ of our ſaid lord the king to him thereupon directed; the ſame day is given to the ſaid *A. B.* at the ſame place: At which day before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſheriff, to wit, —— eſquire, ſheriff of the ſaid county of —— now here returns a certain inquiſition indented, taken before him at —— in the county aforeſaid, on —— the —— day of —— in the —— year of the reign of our ſaid lord

lord the now king, by the oath of twelve good and lawful men of his bailiwick; by which it is found, that the ſaid *A. B.* hath ſuſtained damages by means of the premiſes to —— *l.* over and above his coſts and charges by him about his ſuit in this behalf expended, and for thoſe coſts and charges to —— *s.* Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his damages aforeſaid, by the ſaid inquiſition above found, and alſo —— for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And the ſaid *C. D.* in mercy, *&c.*

Judgment ſigned the —— day of —— 179-.

Mercy.

The like, of a different term, with an imparlance.

(Entry of warrants of attorney, as before.)

—— to wit. *Be it remembered*, that in —— term laſt paſt, before our lord the king at *Weſtminſter*, came *A. B.* by *E. F.* his attorney, and brought into the court of our ſaid lord the king before the king himſelf then there, his certain bill againſt *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, of a plea of treſpaſs on the caſe upon promiſes; and there are pledges for the proſecution thereof, to wit, *John Doe* and *Richard Roe*; which ſaid bill follows in theſe words, that is to ſay: —— to wit. (Here copy the declaration to the end, omitting the pledges, and proceed on a new line as follows:)

And now at this day, that is to ſay, on —— next after —— in this ſame term, until which day the ſaid *C. D.* had leave to imparl to the ſaid bill, and then to anſwer the ſame, *&c.* before our ſaid lord the

king at *Weſtminſter*, come as well the ſaid *A. B.* by his attorney aforeſaid, as the ſaid *C. D.* in his proper perſon (or by *G. H.* his attorney); and the ſaid *C. D.* defends the wrong and injury when, &c. and ſays nothing in bar or preclusion, &c. (as before).

The like, by original.

(Entry of warrants of attorney, as before).

—— to wit. *C. D.* was attached to anſwer *A. B.* &c. (here copy the declaration *verbatim*, and proceed on a new line as follows:)

And the ſaid *C. D.* in his proper perſon (or by *G. H.* his attorney), comes and defends the wrong and injury when, &c. and ſays nothing in bar or preclusion, &c. (as before, making the writ of inquiry returnable on a general return-day).

The like, where one of the defendants died after declaration and before interlocutory judgment.

And the ſaid *C. D.* in his proper perſon, comes and defends the wrong and injury when, &c. and the ſaid *E. F.* comes not: And hereupon the ſaid *A. B.* gives the court of our lord the king now here to underſtand and be informed, that after the iſſuing of the original writ in this cauſe, and after the laſt continuance of the plea aforeſaid, and before this day, to wit, on, &c. the ſaid *E. F.* died, to wit, at, &c. and the ſaid *C. D.* there ſurvived him; which the ſaid *C. D.* doth not deny: And the ſaid *C. D.* ſays nothing in bar or preclusion, &c. (as before).

The like, and award of inquiry into a county-palatine.

And the ſaid *C. D.* in his proper perſon, comes and defends the wrong and injury when, &c. and ſays nothing in bar or preclusion of the ſaid action of the ſaid *A. B.* whereby the ſaid *A. B.* remains

therein undefended againſt the ſaid *C. D.* wherefore the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages on occaſion of the premiſes: But becauſe it is unknown to the court of our ſaid lord the king now here, what damages the ſaid *A. B.* hath ſuſtained by means of the premiſes aforeſaid; it is commanded to the chancellor of the ſaid county-palatine of *Lancaſter*, that by the writ of our ſaid lord the king, under the ſeal of the ſaid county-palatine to be duly made, and directed to the ſheriff of the ſaid county-palatine, he command the ſaid ſheriff, that by the oath of twelve good and lawful men of his bailiwick, he diligently inquire what damages the ſaid *A. B.* hath ſuſtained, as well by means of the premiſes, as for his coſts and charges by him about his ſuit in this behalf expended; and that the inquiſition which the ſaid ſheriff ſhall thereupon take, he make known to the ſaid chancellor, under his ſeal, and the ſeals of thoſe by whoſe oath he ſhall take that inquiſition, together with the names of the perſons by whoſe oath he ſhall take the ſame; ſo that the ſaid chancellor may certify the ſame to our ſaid lord the king at *Weſtminſter*, on —— next after ——, together with the name of the ſaid ſheriff, and the writ of our ſaid lord the king to the ſaid chancellor in that behalf directed; the ſame day is given to the ſaid *A. B.* at the ſame place: At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his ſaid attorney; and the ſaid chancellor now here certifies a certain inquiſition indented, taken before the ſaid ſheriff, at —— in the ſaid county, on the —— day of —— in the —— year of the reign of our ſaid

lord the now king, by the oath of twelve good and lawful men of the ſaid ſheriff's bailiwick; by which it is found, &c. (as before, p. 245.)

The like, with a *remittitur* of part of the damages, after the return of the inquiry.

(As before, p. 243, &c. to the end of the ſheriff's return on the writ of inquiry, and then as follows:) And hereupon the ſaid *A. B.* freely here in court remits to the ſaid *C. D.* the ſum of —— *l.* parcel of the damages coſts and charges aforeſaid, by the ſaid inquiſition in form aforeſaid found; and prays judgment for the reſidue of thoſe damages coſts and charges, together with his further coſts and charges by him about his ſuit in that behalf expended: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* the ſum of —— *l.* reſidue of the damages coſts and charges aforeſaid, by the ſaid inquiſition above found, and alſo —— *l.* for his further coſts and charges aforeſaid, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid reſidue of the damages coſts and charges by the ſaid inquiſition above found, together with the ſaid further coſts and charges ſo adjudged of increaſe, amount in the whole to —— *l.* And the ſaid *C. D.* in mercy, &c. And let the ſaid *C. D.* be acquitted of the ſaid ſum of —— *l.* parcel, &c. ſo remitted by the ſaid *A. B.* as aforeſaid, &c.

Judgment ſigned, &c.

Mercy.

The like, with a ſuggeſtion of the death of one of the plaintiffs, at the return of the inquiry.

(To the end of the award of the inquiry, and then as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſheriff, &c. (as before, p. 244, 5, to the end of the inquiſition;) and the ſaid

E. F. at the ſame day, being ſolemnly demanded, comes not: And hereupon the ſaid *A. B.* gives the court of our ſaid lord the king now here to underſtand and be informed, that ſince the laſt continuance of this plea, and before this day, to wit, on, *&c.* the ſaid *E. F.* died, to wit, at, *&c.* and the ſaid *A. B.* there ſurvived him; and becauſe this is not denied, therefore let no further proceedings be had at the ſuit of the ſaid *E. F.*; and upon this the ſaid *A. B.* prays judgment againſt the ſaid *C. D.* for the damages coſts and charges aforeſaid: Therefore it is conſidered, *&c.* (as before, p. 245.)

The like, againſt an executor or adminiſtrator.

And the ſaid *C. D.* in his proper perſon, comes and defends the wrong and injury when, *&c.* and ſays nothing in bar or preclusion, *&c.* (as before, p. 244, 5, to the final judgment, which is as follows:) Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* executor (or adminiſtrator) as aforeſaid, his damages aforeſaid by the ſaid inquiſition above found, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, in the hands of the ſaid *C. D.* as executor (or adminiſtrator) as aforeſaid to be adminiſtered, if he hath ſo much thereof in his hands to be adminiſtered, and if he hath not ſo much thereof in his hands to be adminiſtered, then —— *l.* parcel of the damages aforeſaid,

Judgment ſigned, &c.

aforeſaid, being for the coſts and charges aforeſaid, to be levied of the proper goods and chattels of the ſaid *C. D.* And the ſaid *C. D.* in mercy, *&c.*

Mercy.

The like, where the damages are aſſeſſed by the court.

And the ſaid *C. D.* in his proper perſon, comes and defends the wrong and injury when, *&c.* and ſays nothing in bar or preclusion of the ſaid action of the ſaid *A. B.* whereby the ſaid *A. B.* remains therein undefended againſt the ſaid *C. D.* wherefore the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages on occaſion of the premiſes: And hereupon the ſaid *A. B.* freely here in court remits to the ſaid *C. D.* all damages ſuſtained by him the ſaid *A. B.* on occaſion of the not performing the ſeveral promiſes and undertakings in the —— laſt counts of the ſaid declaration mentioned; and he prays judgment, and his damages by him ſuſtained on occaſion of the not performing of the ſaid promiſe and undertaking in the ſaid firſt count mentioned, to be adjudged to him, *&c.* And becauſe it is ſuggeſted and proved, and manifeſtly appears to the court here, that the ſaid *A. B.* hath ſuſtained damages on occaſion of the not performing of the ſaid laſt-mentioned promiſe and undertaking, to the ſum of —— *l.* beſides his coſts and charges by him about his ſuit in this behalf expended: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his damages aforeſaid, to the ſaid ſum of —— *l.* and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the

Judgment ſigned, &c.

the whole amount to —— *l.* And the ſaid *C. D.* in mercy, *&c.* And let the ſaid *C. D.* be acquitted of the damages ſo remitted as aforeſaid, *&c.* Mercy.

As yet of —— term, *&c.* —— to wit. *A. B.* puts in his place *E. F.* his attorney, againſt *C. D.* in a plea of debt. Judgment by *nil dicit* in *debt* on a *mutuatus* by bill, of the ſame term with the declaration.

—— to wit. The ſaid *C. D.* in perſon, (or if he appeared by attorney; "The ſaid *C. D.* puts in his place *G. H.* his attorney,") at the ſuit of the ſaid *A. B.* in the plea aforeſaid.

—— to wit. *Be it remembered*, that on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes *A. B.* by *E. F.* his attorney, and brings into the court of our ſaid lord the king before the king himſelf now here, his certain bill againſt *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, of a plea of debt; and there are pledges for the proſecution thereof, to wit, *John Doe* and *Richard Roe*; which ſaid bill follows in theſe words, that is to ſay: —— to wit. *A. B.* complains of *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our lord the now king before the king himſelf, of a plea that he render to the ſaid *A. B.* the ſum of —— *l.* of lawful money of *Great Britain*, which he owes to and unjuſtly detains from him; for that whereas the ſaid *C. D.* on the —— day of —— in the year of our Lord 179-, at ——, had borrowed of the ſaid *A. B.* the ſaid ſum of —— *l.* above demanded, to be paid to the ſaid *A. B.* when he the ſaid *C. D.* ſhould be thereto

thereto afterwards requeſted: Yet the ſaid *C. D.* (although often requeſted, *&c.*) hath not as yet paid the ſaid ſum of —— *l.* above demanded, or any part thereof to the ſaid *A. B.* but to pay the ſame or any part thereof to the ſaid *A. B.* he the ſaid *C. D.* hath hitherto wholly refuſed, and ſtill doth refuſe; to the damage of the ſaid *A. B.* of 10 *l.* and therefore he brings his ſuit, *&c.*

And the ſaid *C. D.* in his proper perſon (or by *G. H.* his attorney), comes and defends the wrong and injury when, *&c.* and ſays nothing in bar or preclusion of the ſaid action of the ſaid *A. B.* whereby the ſaid *A. B.* remains therein undefended againſt the ſaid *C. D.* Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid debt, and alſo —— *s.* for his damages which he hath ſuſtained, as well on occaſion of the detaining the ſaid debt, as for his coſts and charges by him about his ſuit in this behalf expended, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent: And the ſaid *C. D.* in mercy, *&c.*

Judgment ſigned, &c.

Mercy.

The like, in debt on bond.

(Entry of warrants of attorney and *memorandum* as in the laſt; declaration as follows:)

—— to wit. *A. B.* complains of *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our lord the now king before the king himſelf, of a plea that he render to the ſaid *A. B.* the ſum of —— *l.* of good and lawful money of *Great Britain*, which he owes to and unjuſtly detains from him; for that whereas the ſaid *C. D.* on the —— day of —— in the year of our Lord 179-, at ——, by his certain

certain writing obligatory ſealed with the ſeal of the ſaid *C. D.* and now ſhewn to the court of our ſaid lord the king before the king himſelf here, the date whereof is the ſame day and year aforeſaid, acknowledged himſelf to be held and firmly bound unto the ſaid *A. B.* in the ſaid ſum of —— *l.* above demanded, to be paid to the ſaid *A. B.* when he the ſaid *C. D.* ſhould be thereto afterwards requeſted: Yet the ſaid *C. D.* (although often requeſted, *&c.*) hath not as yet paid the ſaid ſum of —— *l.* above demanded, or any part thereof, to the ſaid *A. B.* but to pay the ſame or any part thereof to the ſaid *A. B.* he the ſaid *C. D.* hath hitherto wholly refuſed, and ſtill doth refuſe; to the damage of the ſaid *A. B.* of —— *l.* and therefore he brings his ſuit, *&c.*

And the ſaid *C. D.* in his proper perſon, (or by *G. H.* his attorney,) comes and defends the wrong and injury when, *&c.* and ſays nothing in bar or preclufion, *&c.* (as in the laſt).

The like, and ſuggeſtion of breaches, &c. on the ſtatute 8 & 9 *W. III.* c. 11. § 8.

And the ſaid *C. D.* in his proper perſon, comes and defends the wrong and injury when, *&c.* and ſays nothing in bar or preclufion of the ſaid action of the ſaid *A. B.* whereby the ſaid *A. B.* remains therein undefended againſt the ſaid *C. D.* wherefore the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his ſaid debt, together with his damages by him ſuſtained on occaſion of the detention thereof, *&c.* And hereupon the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, ſays that the ſaid writing obligatory, whereon the ſaid judgment was ſo recovered againſt the ſaid *C. D.* as aforeſaid, was made and given by him the ſaid *C. D.*

under

under and ſubject to a certain condition thereto ſubſcribed, whereby, after reciting, &c. (ſtating the recital, if any, preceding the condition of the bond,) it was declared that if, &c. (reciting the condition): And the ſaid *A. B.* further ſaith, &c. (ſtating the breaches, and concluding as follows:) And hereupon the ſaid *A. B.* prays the writ of our ſaid lord the king, to be directed to the ſheriff of —— and to the right honourable *Lloyd* Lord *Kenyon*, his majeſty's chief-juſtice, aſſigned to hold pleas in the court of our ſaid lord the king before the king himſelf, commanding the ſaid ſheriff, that he cauſe to come before the ſaid chief-juſtice, on —— the —— day of —— next, at the *Guildhall* of the city of *London*, twelve, &c. by whom, &c. and who neither, &c. to inquire the truth of the ſaid breaches above aſſigned, and to aſſeſs the damages thereby ſuſtained by the ſaid *A. B.* and alſo that it be commanded in the ſaid writ to the ſaid chief-juſtice, that he make a return thereof to the ſaid court of our ſaid lord the king before the king himſelf at *Weſtminſter*, on —— next after ——; and it is granted him, &c. the ſame day is given to the ſaid *A. B.* at the ſame place.

As yet of —— term, &c.

Judgment by *nil dicit* in *ejectment* by bill, with a *remittitur damna.*

—— to wit. *John Doe* on the demiſe of *A. B.* puts in his place *E. F.* his attorney, againſt *Richard Roe*, in a plea of treſpaſs and ejectment.

—— to wit. The ſaid *Richard Roe* in perſon, at the ſuit of the ſaid *John Doe*, in the plea aforeſaid.

—— to

—— to wit. *Be it remembered*, that in —— term laſt paſt, before our lord the king at *Weſtminſter*, came *John Doe* by *E. F.* his attorney, and brought into the court of our ſaid lord the king before the king himſelf then there, his certain bill againſt *Richard Roe*, being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, of a plea of treſpaſs and ejectment; and there are pledges for the proſecution thereof, to wit, *John Denn* and *Richard Fenn*; which ſaid bill follows in theſe words, that is to ſay:—to wit. *John Doe* complains of *Richard Roe* being in the cuſtody, &c. (here copy the declaration to the end, omitting the pledges and notice, and then proceed on a new line as follows:)

And now at this day, that is to ſay, on —— next after —— in this ſame term, until which day the ſaid *Richard Roe* had leave to imparl to the ſaid bill, and then to anſwer the ſame, &c. before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *John Doe* by his attorney aforeſaid, as the ſaid *Richard Roe* in his proper perſon; and the ſaid *Richard Roe* defends the force and injury when, &c. and ſays nothing in bar or preclusion of the ſaid action of the ſaid *John Doe*; whereby the ſaid *John Doe* remains therein undefended againſt the ſaid *Richard Roe*: Therefore it is conſidered, that the ſaid *John Doe* recover againſt the ſaid *Richard Roe* his ſaid term yet to come of and in the tenements aforeſaid with the appurtenances, and alſo his damages ſuſtained by reaſon of the treſpaſs and ejectment aforeſaid; and hereupon the ſaid *John Doe* freely here in court remits to the ſaid *Richard*

Judgment ſigned, &c.

Richard Roe, all ſuch damages coſts and charges as might or ought to be adjudged to him the ſaid *John Doe*, by reaſon of the treſpaſs and ejectment aforeſaid: Therefore let the ſaid *Richard Roe* be acquitted of thoſe damages coſts and charges, *&c.* And hereupon the ſaid *John Doe* prays the writ of our ſaid lord the king, to be directed to the ſheriff of the county aforeſaid, to cauſe him to have poſſeſſion of his ſaid term yet to come of and in the tenements aforeſaid with the appurtenances; and it is granted to him, returnable before our ſaid lord the king at *Weſtminſter*, on —— next after ——; the ſame day is given to the ſaid *Richard Roe* there, *&c.*

The like, by original.

(Entry of warrants of attorney, as in the laſt.)

—— to wit. *Richard Roe* was attached, *&c.* (here copy the declaration to the end, and then proceed as follows:)

And the ſaid *Richard Roe* in his proper perſon, comes and defends the force and injury when, *&c.* and ſays nothing in bar or precluſion, *&c.* (as before, making the writ of poſſeſſion returnable on a general return-day).

As yet of —— term, &c.

—— to wit. *A. B.* puts in his place *E. F.* his attorney, againſt *C. D.* in a plea of treſpaſs on the caſe upon promiſes.

Judgment by *non ſum informatus* in *aſſumpſit* by bill, of the ſame term with the declaration.

—— to wit. The ſaid *C. D.* puts in his place *G. H.* his attorney, at the ſuit of the ſaid *A. B.* in the plea aforeſaid.

—— to wit. *Be it remembered*, &c. (as before, p. 243.)

And the ſaid *C. D.* by *G. H.* his attorney, comes and defends the wrong and injury when, &c. and the ſaid *A. B.* prays that the ſaid *C. D.* may anſwer his ſaid declaration; whereupon the ſaid attorney of the ſaid *C. D.* ſays that he is not informed by the ſaid *C. D.* of any anſwer to be given for him to the ſaid *A. B.* in the premiſes, nor doth he ſay any thing in bar or preclusion of the ſaid action of the ſaid *A. B.* whereby the ſaid *A. B.* remains therein undefended againſt the ſaid *C. D.* wherefore the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages on occaſion of the premiſes: But becauſe it is unknown, &c. (as before, p. 244, 5.)

(Entry of warrants of attorney and *memorandum*, &c. as before, p. 251. making the defendant appear by attorney, and not in perſon.)

The like in *debt.*

And the ſaid *C. D.* by *G. H.* his attorney, comes and defends the wrong and injury when, &c. and the ſaid *A. B.* prays that the ſaid *C. D.* may anſwer his ſaid declaration; whereupon the ſaid attorney of the ſaid *C. D.* ſays that he is not informed by the ſaid *C. D.* of any anſwer to be given for him to the ſaid *A. B.* in the

premiſes, nor doth he ſay any thing in bar or preclusion of the ſaid action of the ſaid *A. B.* whereby the ſaid *A. B.* remains therein undefended againſt the ſaid *C. D.*: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid debt, *&c.* (as before, p. 252.)

As yet of —— term, *&c.*

(Entry of warrants of attorney and *memorandum*, *&c.* as before, p. 243.)

Judgment by *cognovit actionem et damna*, in *aſſumpſit* by bill, of the ſame term with the declaration.

And the ſaid *C. D.* by *G. H.* his attorney, comes and defends the wrong and injury when, *&c.* and ſays that he cannot deny the action of the ſaid *A. B.* nor but that he the ſaid *C. D.* did undertake and promiſe, in manner and form as the ſaid *A. B.* hath above thereof complained againſt him; nor but that the ſaid *A. B.* hath ſuſtained damages on occaſion of the not performing of the ſaid ſeveral promiſes and undertakings in the ſaid declaration mentioned, to —— *l.* as by the ſaid declaration is above ſuppoſed: And hereupon the ſaid *A. B.* prays judgment, and his damages ſo acknowledged, together with his coſts and charges by him about his ſuit in this behalf expended, to be adjudged to him, *&c.*: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his damages aforeſaid to —— *l.* in form aforeſaid acknowledged, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And the ſaid *C. D.* in mercy, *&c.*

Judgment ſigned, &c.

Mercy.

Where

Where the judgment by *cognovit* is of a different term, or by original, the form varies as by *nil dicit*, for which *vide ante*, p. 245, 6.

The like, against an executor or administrator.

And the said *C. D.* by *G. H.* his attorney, comes and defends the wrong and injury when, &c. and says that he cannot deny the action of the said *A. B.* nor but that the said *E. F.* in his life-time did undertake and promise, in manner and form as the said *A. B.* hath above in that behalf alledged; nor but that the said *A. B.* hath sustained damages, &c. (as in the last, to the judgment, which is as follows:) Therefore it is considered, that the said *A. B.* do recover against the said *C. D.* executor (or administrator) as aforesaid, his damages aforesaid to —— *l.* in form aforesaid acknowledged, and also —— *l.* for his said costs and charges, by the court of our said lord the king now here adjudged to the said *A. B.* and with his assent; which said damages costs and charges in the whole amount to —— *l.* to be levied of the goods and chattels which were of the said *E. F.* at the time of his death, in the hands of the said *C. D.* as executor (or administrator) as aforesaid to be administered, if he hath so much thereof in his hands to be administered, and if he hath not so much thereof in his hands to be administered, then —— *l.* parcel of the damages aforesaid, being for the costs and charges aforesaid, to be levied of the proper goods and chattels of the said *C. D.*: And the said *C. D.* in mercy, &c.

Judgment signed, &c.

Mercy.

Judgment of assets *in futuro*, on a plea of *plene administravit* in *assumpsit*.

(To the end of the plea, and then as follows:) And hereupon the said *A. B.* inasmuch as the said

C. D. does not deny the action of the ſaid *A. B.* nor but that the ſaid *E. F.* in his lifetime did undertake and promiſe, in manner and form as the ſaid *A. B.* hath above in that behalf alledged; and inaſmuch as the ſaid *A. B.* cannot deny but that the ſaid *C. D.* hath not any goods or chattels which were of the ſaid *E. F.* at the time of his death, in his hands to be adminiſtered, in manner and form as the ſaid *C. D.* hath above in his ſaid plea in that behalf alledged, prays judgment, and his damages by him ſuſtained on occaſion of the not performing of the ſaid ſeveral promiſes and undertakings in the ſaid declaration mentioned, to be adjudged to him; to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, and which after final judgment in this reſpect, ſhall come to the hands of the ſaid *C. D.* to be adminiſtered: Therefore it is conſidered, that the ſaid *A. B.* recover againſt the ſaid *C. D.* his damages by him ſuſtained on occaſion of the premiſes aforeſaid, to be levied in form aforeſaid: But becauſe it is unknown, *&c.* (award of inquiry and return as before, p. 244, 5. making no mention of coſts, and final judgment as follows:) Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his damages aforeſaid, by the inquiſition aforeſaid above found, to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, and which ſhall hereafter come to the hands of the ſaid *C. D.* to be adminiſtered, *&c.*

Judgment ſigned, &c.

(To

(To the end of the plea, and then as follows:) And hereupon the ſaid *A. B.* inaſmuch as the ſaid *C. D.* does not deny the action of the ſaid *A. B.* nor but that the ſaid *E. F.* in his lifetime did undertake, *&c.* (as in the laſt,) and inaſmuch as the ſaid *A. B.* cannot deny but that the ſaid *C. D.* hath not any goods or chattels which were of the ſaid *E. F.* at the time of his death, in his hands to be adminiſtered, except the ſaid goods and chattels to the value of —— *l.* as aforeſaid, prays judgment, and his damages by him ſuſtained on occaſion of the not performing of the ſaid ſeveral promiſes and undertakings in the ſaid declaration mentioned, to be adjudged to him; to be levied, as to —— *l.* part thereof, of the ſaid goods and chattels ſo remaining in the hands of the ſaid *C. D.* unadminiſtered as aforeſaid, and as to the reſidue thereof, to be levied of other goods and chattels which were of the ſaid *E. F.* at the time of his death, and which after final judgment in this reſpect ſhall come to the hands of the ſaid *C. D.* to be adminiſtered: Therefore it is conſidered, that the ſaid *A. B.* recover againſt the ſaid *C. D.* his damages by him ſuſtained on occaſion of the premiſes, to be levied in form aforeſaid: But becauſe it is unknown, *&c.* (award of inquiry and return as in the laſt, and final judgment as follows:) Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* the ſaid damages, by the inquiſition aforeſaid above found, to be levied as to the ſaid —— *l.* part thereof, of the goods and chattels ſo remaining in the hands of the ſaid *C. D.* unadminiſtered as aforeſaid, and as to the reſidue thereof, to be levied of other goods

The like of aſſets acknowledged in part, and for the reſidue of aſſets *in future*, on a plea of *plene adminiſtravit præter* in *aſſumpſit*.

Judgment ſigned, &c.

and chattels of the ſaid *E. F.* at the time of his death, and which ſhall hereafter come to the hands of the ſaid *C. D.* to be adminiſtered, *&c.*

The like, againſt the lands and chattels of a defendant diſcharged under an inſolvent-act.

And the ſaid *A. B.* foraſmuch as the ſaid *C. D.* doth not deny the ſaid action of the ſaid *A. B.* nor but that he the ſaid *C. D.* did undertake and promiſe, in manner and form as the ſaid *A. B.* hath above thereof complained againſt him, nor but that he ought to recover his damages by reaſon of the non-performance of the ſaid ſeveral promiſes and undertakings in the ſaid declaration mentioned, againſt the ſaid *C. D.* and foraſmuch as the ſaid *A. B.* cannot deny the ſaid ſeveral allegations of the ſaid *C. D.* contained in his ſaid plea, but admits the ſame to be true, he the ſaid *A. B.* prays judgment, and his damages by him ſuſtained on occaſion of the not performing of the ſaid ſeveral promiſes and undertakings to be adjudged to him; to be levied not on the perſon of the ſaid *C. D.* but on his lands goods and chattels, according to the form of the ſtatute in ſuch caſe made and provided: Whereupon it is conſidered by the court here, that the ſaid *A. B.* ought to recover his damages on occaſion of the not performing of the ſaid ſeveral promiſes and undertakings, againſt the ſaid *C. D.* to be levied in form aforeſaid: But becauſe it is unknown, *&c.* (award of inquiry and return as before, p. 244, 5. final judgment as follows:) Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his damages aforeſaid, by the ſaid inquiſition above found, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged

Judgment ſigned, &c.

of

of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* to be levied not on the perſon of the ſaid *C. D.* but on his lands goods and chattels, according to the form of the ſtatute in ſuch caſe made and provided: And the ſaid *C. D.* in mercy, *&c.* Mercy.

(To the end of the iſſue, and then as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* as the ſaid *C. D.* by their reſpective attornies aforeſaid; and hereupon the ſaid *C. D.* by his ſaid attorney, relinquiſhing his ſaid plea by him above pleaded, ſays that he cannot deny the action of the ſaid *A. B.* nor but that he the ſaid *C. D.* did undertake, *&c.* (as before p. 258.) Judgment by *cognovit actionem* in *aſſumpſit* after iſſue, *relictâ veri-ficatione.*

(Entry of warrants of attorney and *memorandum*, &c. as before p. 251.)

And the ſaid *C. D.* by *G. H.* his attorney, comes and defends the wrong and injury when, *&c.* and ſays that he cannot deny the action of the ſaid *A. B.* nor but that the ſaid writing obligatory is the deed of him the ſaid *C. D.* nor but that he owes to the ſaid *A. B.* the ſaid ſum of —— *l.* above demanded, in manner and form as the ſaid *A. B.* hath above thereof complained againſt him: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid debt, and alſo —— *l.* for his damages which he hath ſuſtained, as well on occaſion of the detaining the ſaid debt, as for his coſts and charges by him about his ſuit in this behalf expended, by the court of our ſaid lord the The like in *debt* on bond, before plea, of the ſame term with the declaration. Judgment ſigned, &c.

the king now here adjudged to the ſaid *A. B.* and
Mercy. with his aſſent: And the ſaid *C. D.* in mercy, *&c.*

The like as to part, of a different term, with a *remittitur* as to the reſidue.

And now at this day, that is to ſay, on —— next after —— in this ſame term, until which day the ſaid *C. D.* had leave to imparl to the ſaid bill, and then to anſwer the ſame, *&c.* before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* as the ſaid *C. D.* by their reſpective attornies aforeſaid; and the ſaid *C. D.* defends the wrong and injury when, *&c.* and ſays that he cannot deny the action of the ſaid *A. B.* nor but that he the ſaid *C. D.* does owe to the ſaid *A. B.* the ſum of —— *l.* parcel of the ſaid ſum of —— *l.* above demanded; and upon this the ſaid *A. B.* freely here in court remits to the ſaid *C. D.* the ſum of —— *l.* reſidue of the ſaid ſum of —— *l.* above demanded, and all damages by him ſuſtained on occaſion of the detention of the ſaid laſt-mentioned ſum of money, and prays judgment for the ſaid ſum of —— *l.* parcel, *&c.* ſo acknowledged as aforeſaid, together with his coſts and charges by him about his ſuit in this
Judgment ſigned, &c. behalf expended, to be adjudged to him, *&c.* Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* the ſaid ſum of —— *l.* parcel, *&c.* in form aforeſaid acknowledged, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged to the ſaid
Mercy. *A. B.* and with his aſſent: And the ſaid *C. D.* in mercy, *&c.* And let the ſaid *C. D.* be acquitted of the ſaid ſum of —— *l.* reſidue, *&c.* and the damages aforeſaid in form aforeſaid remitted, *&c.*

And

And the ſaid *C. D.* by *G. H.* his attorney, comes and defends the wrong and injury when, &c. and ſays that he cannot deny the action of the ſaid *A. B.* nor but that the ſaid writing obligatory is the deed of the ſaid *E. F.* nor but that he the ſaid *C. D.* detains from the ſaid *A. B.* the ſaid ſum of —— *l.* above demanded, in manner and form as the ſaid *A. B.* hath above in that behalf alledged. Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* executor (or adminiſtrator) as aforeſaid, his ſaid debt, and alſo —— *l.* for his damages which he hath ſuſtained, as well on occaſion of the detaining of the ſaid debt, as for his coſts and charges by him about his ſuit in this behalf expended, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent; to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, in the hands of the ſaid *C. D.* as executor (or adminiſtrator) as aforeſaid to be adminiſtered, if he hath ſo much thereof in his hands to be adminiſtered; and if he hath not ſo much thereof in his hands to be adminiſtered, then the ſaid —— *l.* for the damages aforeſaid, to be levied of the proper goods and chattels of the ſaid *C. D.* And the ſaid *C. D.* in mercy, &c.

The like, againſt an executor or adminiſtrator.

Judgment ſigned, &c

Mercy.

(To the end of the plea, and then as follows:) And hereupon the ſaid *A. B.* inaſmuch as the ſaid *C. D.* doth not deny the action of the ſaid *A. B.* nor but that the ſaid writing obligatory is the deed of the ſaid *E. F.* nor but that he the ſaid *C. D.* detains from the ſaid *A. B.* the ſaid ſum of —— *l.* above

Judgment of aſſets *in futuro*, on a plea of *plene adminiſtravit* in *debt*.

above demanded, in manner and form as the ſaid *A. B.* hath above in that behalf alledged; and inaſmuch as the ſaid *A. B.* cannot deny but that the ſaid *C. D.* hath not any goods or chattels which were of the ſaid *E. F.* at the time of his death, in his hands to be adminiſtered, in manner and form as the ſaid *C. D.* hath above in his ſaid plea in that behalf alledged, prays judgment, and his ſaid debt, together with his damages by him ſuſtained on occaſion of the detaining thereof, to be adjudged to him; to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, and which ſhall hereafter come to the hands of the ſaid *C. D.* to be adminiſtered: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* executor (or adminiſtrator) as aforeſaid, his ſaid debt, and alſo —— *l.* for his damages which he hath ſuſtained on occaſion of the detaining thereof, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent; to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, and which ſhall hereafter come to the hands of the ſaid *C. D.* to be adminiſtered, *&c.*

Judgment ſigned, &c.

The like of aſſets acknowledged in part, and for the reſidue of aſſets *in futuro*, on a plea of *plene adminiſtravit præter* in debt.

(To the end of the plea, and then as follows:) And hereupon the ſaid *A. B.* inaſmuch as the ſaid *C. D.* doth not deny the action of the ſaid *A. B.* nor but that the writing obligatory aforeſaid is the deed of the ſaid *E. F.* nor but that the ſaid *C. D.* detains from the ſaid *A. B.* the ſaid ſum of —— *l.* above demanded, in manner and form as the ſaid *A. B.* hath above in that behalf alledged; and inaſmuch

as

as the ſaid *A. B.* cannot deny but that the ſaid *C. D.* hath not any goods and chattels which were of the ſaid *E. F.* at the time of his death, in his hands to be adminiſtered, except the ſaid goods and chattels to the value of —— *l.* as aforeſaid, prays judgment and his ſaid debt, together with his damages by him ſuſtained on occaſion of the detaining thereof, to be adjudged to him; to be levied, as to —— *l.* part thereof, of the ſaid goods and chattels ſo as aforeſaid acknowledged to be in the hands of the ſaid *C. D.* to be adminiſtered, and as to the reſidue thereof, to be levied of other goods and chattels which were of the ſaid *E. F.* at the time of his death, and which ſhall hereafter come to the hands of the ſaid *C. D.* to be adminiſtered: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid debt, and alſo —— *l.* for his damages which he hath ſuſtained on occaſion of the detaining thereof, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent; to be levied, as to the ſaid —— *l.* part thereof, of the ſaid goods and chattels ſo as aforeſaid acknowledged to be in the hands of the ſaid *C. D.* to be adminiſtered, and as to the reſidue thereof, to be levied of other goods and chattels which were of the ſaid *E. F.* at the time of his death, and which ſhall hereafter come to the hands of the ſaid *C. D.* to be adminiſtered, *&c.*

Judgment ſigned, &c.

And the ſaid *C. D.* and *E. F.* by —— their attorney, and the ſaid *G. H.* in his proper perſon, come and defend the wrong and injury when, *&c.* and the ſaid *C. D.* ſays that the ſaid *A. B.* ought not

The like againſt three executors, where one pleads *plene adminiſtravit præter*, another *plene adminiſtravit* generally, and the

third lets judgment go by default.

not to have or maintain his aforeſaid action thereof againſt him; becauſe he ſays that he the ſaid *C. D.* hath fully adminiſtered, &c. (ſtating the plea of *plene adminiſtravit præter:*) And the ſaid *E. F.* ſays that the ſaid *A. B.* ought not to have or maintain his aforeſaid action thereof againſt him; becauſe he ſays that he the ſaid *E. F.* hath fully adminiſtered, &c. (ſtating the plea of *plene adminiſtravit* generally:) And the ſaid *G. H.* ſays nothing in bar or preclusion of the ſaid action of the ſaid *A. B.* by which the ſaid *A. B.* remains therein undefended againſt the ſaid *G. H.* And hereupon the ſaid *A. B.* inaſmuch as he cannot deny the ſeveral matters above pleaded by the ſaid *C. D.* and *E. F.* reſpectively, but admits the ſame to be true, prays judgment, and his debt aforeſaid, together with his damages by him ſuſtained on occaſion of the detaining thereof, to be adjudged to him: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.*, *E. F.*, and *G. H.*, as executors as aforeſaid, his debt aforeſaid, and alſo —— *l.* for his damages which he hath ſuſtained on occaſion of the detaining thereof, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent; to be levied as to the ſaid ſum of —— *l.* part thereof, of the ſaid goods and chattels ſo as aforeſaid acknowledged to be in the hands of the ſaid *C. D.* as executor as aforeſaid to be adminiſtered, or of the goods and chattels which were of the ſaid *J. K.* deceaſed at the time of his death, and which ſhall hereafter come to the hands of the ſaid *E. F.* as executor aforeſaid to be adminiſtered, or which are now in, or ſhall hereafter come to the hands

Judgment ſigned, &c.

hands of the ſaid *G. H.* as executor as aforeſaid to be adminiſtered; and as to the reſidue thereof, to be levied of the goods and chattels which were of the ſaid *J. K.* deceaſed at the time of his death, and which ſhall hereafter come to the hands of the ſaid *C. D.* and *E. F.* as executors as aforeſaid, or either of them, or which are now in, or ſhall hereafter come to the hands of the ſaid *G. H.* as executor as aforeſaid to be adminiſtered: It is alſo conſidered by his majeſty's court here, that the ſaid *A. B.* do recover againſt the ſaid *G. H.* executor as aforeſaid, the ſum of ——*l.* for his coſts and charges by him about his ſuit in this behalf expended, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent; to be levied of the goods and chattels which were of the ſaid *J. K.* deceaſed at the time of his death, in the hands of the ſaid *G. H.* as executor as aforeſaid to be adminiſtered, if he hath ſo much thereof in his hands to be adminiſtered, and if he hath not ſo much thereof in his hands to be adminiſtered, to be levied of the proper goods and chattels of the ſaid *G. H.* And the ſaid *G. H.* in mercy, *&c.*

Mercy.

(To the end of the iſſue, and then as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid by their attornies aforeſaid; and hereupon the ſaid *C. D.* relinquiſhing his ſaid plea by him above pleaded, ſaith that he cannot deny the action of the ſaid *A. B.* nor but that the ſaid writing obligatory is the deed, *&c.* (as before p. 263.)

Judgment by *cognovit actionem* in *debt* after iſſue, *relictâ veriſicatione.*

(To

The like in *ejectment*, with a *remittitur* of part of the damages.

(To the end of the iſſue, and then as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid by their attornies aforeſaid; and hereupon the ſaid *C. D.* relinquiſhing his ſaid plea by him above pleaded, ſays that he cannot deny the action of the ſaid *A. B.* nor but that he the ſaid *C. D.* is guilty of the treſpaſs and ejectment above laid to his charge, in manner and form as the ſaid *A. B.* hath above thereof complained againſt him; and he confeſſes and admits that the ſaid *A. B.* hath ſuſtained damages by reaſon of the ſaid treſpaſs and ejectment, to the ſum of one penny, beſides his coſts and charges by him about his ſuit in this behalf expended: And hereupon the ſaid *A. B.* freely here in court remits to the ſaid *C. D.* the reſidue of the damages in the ſaid declaration mentioned, and prays judgment and his term yet to come of and in the tenements aforeſaid with the appurtenances, together with his ſaid damages ſo confeſſed, and his coſts and charges aforeſaid, to be adjudged to him, *&c.* Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid term yet to come of and in the tenements aforeſaid with the appurtenances, together with the damages aforeſaid to the ſaid ſum of one penny in form aforeſaid confeſſed, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And hereupon the ſaid *A. B.* prays the writ of our ſaid lord the king, to be directed to the ſheriff of —— aforeſaid, to cauſe him to have poſſeſſion of his ſaid term yet

Judgment ſigned, &c.

to

to come of and in the tenements aforesaid with the appurtenances; and it is granted to him, returnable before our said lord the king, on —— wheresoever, *&c.*

(To the end of the issue, and then as follows:) At which day, before our said lord the king at *Westminster*, come the parties aforesaid by their attornies aforesaid; and hereupon the said *C. D.* as to —— parcel of the tenements in the said declaration mentioned, relinquishing his said plea by him above pleaded, says that he cannot deny the action of the said *John Doe*, nor but that he the said *C. D.* is guilty of the trespass and ejectment above laid to his charge, in manner and form as the said *John Doe* hath above thereof complained against him: And upon this the said *John Doe* says that he will not further prosecute his suit against the said *C. D.* for the trespass and ejectment in the residue of the tenements aforesaid; and he prays judgment and his term yet to come of and in the said —— with the appurtenances, parcel, *&c.* together with his damages costs and charges by him in this behalf sustained: Therefore it is considered, that the said *John Doe* do recover against the said *C. D.* his said term yet to come of and in the said —— with the appurtenances, parcel, *&c.* and also —— *l.* for his said damages costs and charges, by the court of our said lord the king now here adjudged to the said *John Doe* and with his assent, and also with the assent of the said *C. D.* And let the said *C. D.* be acquitted of the said trespass and ejectment in the residue of the tenements aforesaid, and go thereof without day,

The like for the plaintiff as to part of the premises, and for the defendant on a *nolle prosequi* as to the residue.

Judgment signed, &c.

day, &c. And the ſaid *John Doe* prays the writ of our ſaid lord the king, to be directed to the ſheriff of —— aforeſaid, to cauſe him to have poſſeſſion of his ſaid term yet to come of and in the ſaid —— with the appurtenances, parcel, &c. and it is granted to him, returnable before our ſaid lord the king, on —— wherefoever, &c.

As yet of —— term, &c.

Judgment for the plaintiff, on demurrer to a declaration in *aſſumpſit*.

(Entry of warrants of attorney as before, p. 257.) —— to wit. *Be it remembered*, &c. (here copy the demurrer-book *verbatim*, and then proceed as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid: Whereupon all and ſingular the premiſes being ſeen, and by the court of our ſaid lord the king now here fully underſtood, and mature deliberation being thereupon had, it appears to the ſaid court here, that the declaration aforeſaid, and the matters therein contained, are ſufficient in law for the ſaid *A. B.* to have and maintain his aforeſaid action thereof againſt the ſaid *C. D.* wherefore the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages by reaſon of the premiſes: But becauſe it is unknown, &c. (as before, p. 244, 5. or if the damages are aſſeſſed by the court; "And becauſe it is ſuggeſted, &c." as before, p. 250. or in debt; "Therefore it is conſidered, &c." as before, p. 252.)

The like, on demurrer to a replication.

(To the end of the demurrer-book, and then as follows:) At which day before our ſaid lord the king

at *Weſtminſter*, come the parties aforeſaid by their attornies aforeſaid: Whereupon all and ſingular the premiſes being ſeen, and by the court of our ſaid lord the king now here fully underſtood, and mature deliberation being thereupon had, it appears to the ſaid court here, that the ſaid plea in manner and form aforeſaid by the ſaid *A. B.* above in reply pleaded, and the matters therein contained, are ſufficient in law for him the ſaid *A. B.* to have and maintain his aforeſaid action thereof againſt the ſaid *C. D.* wherefore the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages by reaſon of the premiſes: But becauſe it is unknown, *&c.* (as in the laſt).

The like, on demurrer to a replication to one of ſeveral pleas in treſpaſs, with a *relictâ verificatione* as to another.

(To the end of the demurrer-book, and then as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid by their attornies aforeſaid: Whereupon all and ſingular the premiſes being ſeen, and by the court of our ſaid lord the king now here fully underſtood, and mature deliberation being thereupon had, it appears to the ſaid court here, that the ſaid plea by the ſaid *A. B.* in manner and form aforeſaid above in reply pleaded, to the ſaid plea of the ſaid *C. D.* by him laſtly above pleaded in bar, as to the treſpaſſes in the introductory part of that plea mentioned, and the matters therein contained, are ſufficient in law for him the ſaid *A. B.* to have and maintain his aforeſaid action thereof againſt the ſaid *C. D.* And hereupon the ſaid *C. D.* relinquiſhing his ſaid plea by him firſt above pleaded, ſays that he cannot deny the action of the ſaid *A. B.* nor but that he the ſaid

A. B. ought to recover againſt the ſaid *C. D.* his damages by reaſon of the premiſes; wherefore the ſaid *A. B.* ought to recover his damages againſt the ſaid *C. D.* But becauſe it is unknown, *&c.* (as before, p. 244, 5.)

The like in abatement, on demurrer to a rejoinder.

(To the end of the demurrer-book, and then as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid: Whereupon all and ſingular the premiſes being ſeen, and by the court of our ſaid lord the king now here fully underſtood, and mature deliberation being thereupon had, it appears to the ſaid court here, that the ſaid plea of the ſaid *C. D.* by him above pleaded by way of rejoinder, and the matters therein contained, are not ſufficient in law to quaſh the ſaid bill (or writ) of the ſaid *A. B.* Therefore it is conſidered, that the ſaid *C. D.* further anſwer the ſaid *A. B.* to his bill (or writ) and declaration aforeſaid; and thereupon a further day is given by the court here to the parties aforeſaid, before our ſaid lord the king at *Weſtminſter*, until —— next after ——, that is to ſay, for the ſaid *C. D.* to plead in chief to the ſaid declaration of the ſaid *A. B.* At which day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid; and the ſaid *C. D.* by his ſaid attorney, defends the wrong and injury when, *&c.*

(To the end of the iſſue, and then as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid; upon which the record aforeſaid being ſeen and inſpected by the ſaid court here, it ſufficiently appears to the ſame court, that there is ſuch a record of recovery againſt him the ſaid *C. D.* at the ſuit of the ſaid *A. B.* as he the ſaid *A. B.* hath above in that behalf alledged: Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid debt, and alſo —— *l.* for his damages which he hath ſuſtained, as well by reaſon of the detaining the ſaid debt, as for his coſts and charges by him about his ſuit in this behalf expended, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent, according to the form of the ſtatute in ſuch caſe made and provided: And the ſaid *C. D.* in mercy, *&c.*

Judgment for the plaintiff, on a plea of *nul tiel record* in debt.

Judgment ſigned, *&c.*

Mercy.

(To the end of the iſſue, and then as follows:) At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his ſaid attorney; and the ſaid *C. D.* although ſolemnly demanded in open court, to appear and produce the ſaid record by him above in pleading alledged, cometh not, nor produceth the ſame, but therein wholly fails and makes default; wherefore the ſaid *A. B.* ought to recover againſt the ſaid *C. D.* his damages on occaſion of the premiſes: But becauſe it is unknown, *&c.* (as before, p. 244, 5.)

The like, on a replication of *nul tiel record* in *aſſumpſit*.

As yet of —— term (the term of which iſſue was joined) in the —— year of the reign of King *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

Judgment or the plaintiff, on a verdict in *aſſumpſit*, in at own-cauſe.

—— to wit. *A. B.* puts in his place *E. F.* his attorney, againſt *C. D.* in a plea of treſpaſs on the caſe upon promiſes.

—— to wit. The ſaid *C. D.* puts in his place *G. H.* his attorney, at the ſuit of the ſaid *A. B.* in the plea aforeſaid.

—— to wit. *Be it remembered*, that on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes *A. B.* by *E. F.* his attorney, and brings into the court of our ſaid lord the king before the king himſelf now here, his certain bill againſt *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our ſaid lord the king before the king himſelf, of a plea of treſpaſs on the caſe, *&c.*; and there are pledges for the proſecution thereof, to wit, *John Doe* and *Richard Roe*; which ſaid bill follows in theſe words, that is to ſay: —— (to wit). *A. B.* complains of *C. D.* being in the cuſtody of the marſhal of the marſhalſea of our lord the now king before the king himſelf; for that whereas, *&c.* (here copy the declaration to the end, omitting the pledges, and proceed on a new line as follows:)

And the ſaid *C. D.* by *G. H.* his attorney, comes and defends the wrong and injury when, *&c.* and ſays that he did not undertake or promiſe, in manner and form as the ſaid *A. B.* hath above thereof com-

complained againſt him; and of this he the ſaid *C. D.* puts himſelf upon the country; and the ſaid *A. B.* doth the like: Therefore let a jury thereupon come before our ſaid lord the king at *Weſtminſter*, on —— next after ——, by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* the ſame day is given to the parties aforeſaid at the ſame place: Afterwards the proceſs thereof is continued between the parties aforeſaid, of the plea aforeſaid, by the jury being reſpited between them, before our ſaid lord the king at *Weſtminſter*, until —— next after ——, unleſs the right honourable *Lloyd* Lord *Kenyon*, his majeſty's chief-juſtice aſſigned to hold pleas in the court of our ſaid lord the king before the king himſelf, ſhall firſt come on —— the —— day of —— at the *Guildhall* of the city of *London* (or at *Weſtminſter-hall* in the county of *Middleſex*), according to the form of the ſtatute in ſuch caſe made and provided, for default of the jurors, becauſe none of them did appear: At which day, before our ſaid lord the king at *Weſtminſter* aforeſaid, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſaid chief-juſtice, before whom the ſaid iſſue was tried, hath ſent hither his record had before him in theſe words, to wit: Afterwards, that is to ſay, on the day and at the place within contained, before the right honourable *Lloyd* Lord *Kenyon* the chief-juſtice within mentioned, *George Kenyon* eſquire being aſſociated to the ſaid chief-juſtice, according to the form of the ſtatute in ſuch caſe made and provided, come as well the within-named *A. B.* as the within-named *C. D.* by their reſpective attornies within-mentioned; and the

jurors of the jury whereof mention is within-made, being ſummoned, alſo come, who to ſpeak the truth of the matters within-contained, being choſen tried and ſworn, ſay upon their oath, that the ſaid *C. D.* did undertake and promiſe, in manner and form as the ſaid *A. B.* hath within-complained againſt him; and they aſſeſs the damages of the ſaid *A. B.* on occaſion of the premiſes, beſides his coſts and charges by him about his ſuit in this behalf expended, to —— *l.* and for thoſe coſts and charges to —— *s.* Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid damages coſts and charges, by the jurors aforeſaid in form aforeſaid aſſeſſed, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And the ſaid *C. D.* in mercy, *&c.*

Judgment ſigned, &c.

Mercy.

The like in a country cauſe, with a continuance after verdict by *curia adviſari vult.*

(As in the laſt, to the end of the iſſue and award of *venire*, and then as follows:) Afterwards the proceſs thereof is continued between the parties aforeſaid, of the plea aforeſaid, by the jury being reſpited between them, before our ſaid lord the king at *Weſtminſter*, until —— next after ——, unleſs his majeſty's juſtices aſſigned to take the aſſizes in and for the county of —— ſhall firſt come on —— the —— day of —— at —— in the ſaid county, according to the form of the ſtatute in ſuch caſe made and provided, for default of the jurors, becauſe none of them did appear: At which day, before our ſaid lord the king at *Weſtminſter* afore-

aforeſaid, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſaid juſtices of our ſaid lord the king, before whom the ſaid iſſue was tried, have ſent hither their record had before them in theſe words, to wit: Afterwards, *&c.* (here copy the *poſtea*): And becauſe the court of our ſaid lord the king before the king himſelf now here, are not yet adviſed what judgment to give of and upon the premiſes, a day is therefore given to the parties aforeſaid, before our ſaid lord the king at *Weſtminſter*, until —— next after ——, to hear the judgment of the ſaid court thereupon; for that the court of our ſaid lord the king before the king himſelf now here, are not yet adviſed thereof, *&c.* At which day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* by his attorney aforeſaid, as the ſaid *C. D.* by his attorney aforeſaid: And thereupon all and ſingular the premiſes being ſeen, and by the court of our ſaid lord the king before the king himſelf now here fully underſtood, and mature deliberation being thereupon had, it is conſidered by the ſame court, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid damages, *&c.* (as in the laſt).

The like, on a ſpecial verdict.

(As in the two former to the *poſtea*, after copying which, proceed as follows:) And becauſe the court of our ſaid lord the king before the king himſelf now here, are not yet adviſed, *&c.* (as in the laſt, to the words, "not yet adviſed thereof, *&c.*") At which day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *A. B.* as the ſaid *C. D.* by their reſpective attornies aforeſaid: And there-

upon all and ſingular the premiſes being ſeen, and by the court of our ſaid lord the king before the king himſelf now here fully underſtood, and mature deliberation being thereupon had, it appears to the ſaid court here, that the ſaid *C. D.* did undertake, *&c.* in manner and form as the ſaid *A. B.* hath above thereof complained againſt him: Therefore it is conſidered, *&c.*

Suggeſtion of the death of one of the defendants, after verdict and before judgment.

(To the end of the *poſtea.*) And upon this the ſaid *A. B.* gives the court here to underſtand and be informed, that after the laſt continuance of the plea aforeſaid, and before this day, to wit on *&c.* the ſaid *E. F.* died, to wit at *&c.* and the ſaid *C. D.* then and there ſurvived him; which the ſaid *C. D.* doth not deny, but admits the ſame to be true; therefore let all further proceedings in this cauſe againſt the ſaid *E. F.* be ſtayed; whereupon the ſaid *A. B.* prays judgment againſt the ſaid *C. D.* of and upon the premiſes: Therefore it is conſidered, *&c.*

Judgment for the plaintiff on a verdict in *aſſumpſit*, againſt an executor or adminiſtrator.

Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* as executor (or adminiſtrator) as aforeſaid, his damages aforeſaid by the ſaid jury in form aforeſaid aſſeſſed, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, in the hands of the ſaid *C. D.* as executor (or adminiſtrator)

niſtrator) as aforeſaid to be adminiſtered, if he hath ſo much thereof in his hands to be adminiſtered, and if he hath not ſo much thereof in his hands to be adminiſtered, then the ſaid ſum of —— *l.* parcel of the damages aforeſaid, being for the coſts and charges aforeſaid, to be levied of the proper goods and chattels of the ſaid *C. D.* And the ſaid *C. D.* in mercy, *&c.* Mercy.

Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid debt, and his damages aforeſaid to —— *l.* by the ſaid jury in form aforeſaid aſſeſſed, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And the ſaid *C. D.* in mercy, *&c.* (Or if the defendant has denied his deed, a *capiatur* ſhould be entered, inſtead of a *miſericordia*, thus: And let the ſaid *C. D.* inaſmuch as he has denied his deed, be taken, *&c.*) The like, in debt. Mercy. *Capiatur.*

Therefore it is conſidered, that the ſaid *A. B.* who ſues as aforeſaid, do recover againſt the ſaid *C. D.* for himſelf and our ſaid lord the king, the ſaid ſum of —— *l.* in the ſaid —— count of the ſaid declaration mentioned, parcel of the ſaid ſum of —— *l.* above demanded; and that the ſaid *A. B.* who ſues as aforeſaid have one moiety thereof to his own uſe, and that our ſaid lord the king have the other moiety thereof to his own uſe, according to the form of the ſtatute in ſuch caſe made and provided: And the ſaid *C. D.* in mercy, *&c.* And let the ſaid *A. B.* The like, in debt *qui tam*, where part is found for the plaintiff, and part for the defendant. Mercy.

who ſues as aforeſaid, be in mercy for his falſe complaint againſt the ſaid *C. D.* for the reſidue of the ſaid ſum of —— *l.* whereof the ſaid *C. D.* is acquitted; and the ſaid *C. D.* go thereof without day, *&c.*

The like, againſt an executor or adminiſtrator, where the jury find aſſets to the amount of part of the debt.

Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* executor (or adminiſtrator) as aforeſaid, his ſaid debt, and alſo his damages aforeſaid by the ſaid jury in form aforeſaid aſſeſſed, and likewiſe —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* to be levied as to the ſum of —— *l.* parcel of the ſaid debt, being the value of the ſaid goods and chattels of the ſaid *E. F.* ſo found by the ſaid jury to be in the hands of the ſaid *C. D.* to be adminiſtered, and alſo as to the ſaid —— *l.* for the damages coſts and charges aforeſaid, of the goods and chattels which were of the ſaid *E. F.* at the time of his death, in the hands of the ſaid *C. D.* to be adminiſtered, if he hath ſo much thereof in his hands to be adminiſtered, and if he hath not ſo much thereof in his hands to be adminiſtered, then the ſaid —— *l.* for the damages coſts and charges aforeſaid, to be levied of the proper goods and chattels of the ſaid *C. D.* and as to the reſidue of the ſaid debt, to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, and which ſhall hereafter come to the hands of the ſaid *C. D.* to be adminiſtered. And the ſaid *C. D.* in mercy, *&c.*

Mercy.

There-

Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his ſaid debt, and his damages aforeſaid to —— *l.* by the ſaid jury in form aforeſaid aſſeſſed, and alſo —— for his coſts and charges aforeſaid, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which damages coſts and charges in the whole amount to —— *l.* to be levied of the lands and tenements which were of the ſaid *E. F.* in fee-ſimple at the time of his death, and which came to and are now in the hands of the ſaid *C. D.* by hereditary deſcent from the ſaid *E. F.* And the ſaid *C. D.* in mercy, *&c.* The like, againſt an heir. Mercy.

Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* the goods and chattels aforeſaid, or the ſaid —— *l.* for the value of the ſame, if the ſaid *A. B.* cannot have again the ſaid goods and chattels, and his ſaid damages to —— *s.* beyond the value aforeſaid, by the ſaid jury in form aforeſaid aſſeſſed, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And the ſaid *C. D.* in mercy, *&c.* And hereupon the ſheriff is commanded, that he diſtrain the ſaid *C. D.* by all his lands, *&c.* and that for the iſſues, *&c.* ſo that he render to the ſaid *A. B.* the goods and chattels aforeſaid, or the ſaid —— *l.* for the value of the ſame; and in what manner, *&c.* The like, in detinue. Mercy.

There-

The like, where part is found for the plaintiff, and part for the defendant.

Therefore it is conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* the goods and chattels, which by the jurors aforeſaid are above found to be detained by the ſaid *C. D.* from the ſaid *A. B.* or the ſaid —— *l.* for the value of the ſame, if the ſaid *A. B.* cannot have again thoſe goods and chattels, and his ſaid damages to —— beyond the value aforeſaid, by the jurors aforeſaid in form aforeſaid aſſeſſed, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And the ſaid *C. D.* in mercy, *&c.* And the ſaid *A. B.* is alſo in mercy for his falſe claim, of the reſidue of the ſaid goods and chattels, whereof the ſaid *C. D.* by the jurors aforeſaid is above acquitted; and let the ſaid *C. D.* go thereof without day, *&c.* And hereupon the ſheriff is commanded, that he diſtrain, *&c.* (as in the laſt).

Mercy.

The like, in ejectment.

Therefore it is conſidered, that the ſaid *John Doe* do recover againſt the ſaid *C. D.* his ſaid term yet to come of and in the tenements aforeſaid with the appurtenances, and his ſaid damages to —— *l.* by the jurors aforeſaid in form aforeſaid aſſeſſed, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And let the ſaid *C. D.* be taken, *&c.* And hereupon the ſaid *John Doe* prays the writ

Capiatur.

writ of our ſaid lord the king, to be directed to the ſheriff of the county of —— aforeſaid, to cauſe him to have poſſeſſion of his ſaid term yet to come of and in the tenements aforeſaid with the appurtenances; and it is granted to him, returnable before our ſaid lord the king, on —— whereſoever, &c.

Therefore it is conſidered, that the ſaid *John Doe* do recover againſt the ſaid *C. D.* his ſaid term yet to come of and in the ſaid —— parcel, &c. with the appurtenances, and the damages coſts and charges aforeſaid by the jurors aforeſaid in form aforeſaid aſſeſſed, and alſo —— *l.* for his ſaid coſts and charges, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *John Doe*, and with his aſſent; which ſaid damages coſts and charges in the whole amount to —— *l.* And let the ſaid *John Doe* be amerced, for his falſe claim againſt the ſaid *C. D.* as to the reſidue of the tenements in the ſaid declaration mentioned, whereof the ſaid *C. D.* is acquitted in form aforeſaid: And the ſaid *C. D.* go thereof without day, &c. and hereupon the ſaid *John Doe* prays the writ, &c. (as in the laſt).

The like, for the plaintiff as to part of the premiſes, and for the defendant as to the reſidue.

As yet of —— term, *&c.*

Judgment of *non-pros* for want of a declaration, on common proceſs by bill.

—— to wit. *C. D.* puts in his place *G. H.* his attorney, at the ſuit of *A. B.* in a plea of treſpaſs.

—— to wit. *C. D.* according to the form of the ſtatute in ſuch caſe made and provided, was ſerved with a copy of a certain precept called a bill of *Middleſex*, (or of a certain writ of our lord the king called a *latitat* or *alias capias*, &c.) iſſuing out of the court of our ſaid lord the king before the king himſelf, directed to the ſheriff of ——, (if a *latitat* or *alias capias*, &c.) and returnable before our ſaid lord the king at *Weſtminſter*, on —— next after —— in —— term now laſt paſt, to anſwer *A. B.* in a plea of treſpaſs; and the ſaid *C. D.* at the ſame day appeared, by *G. H.* his attorney, according to the form of the ſtatute in ſuch caſe made and provided: And the ſaid *A. B.* hath not declared in the ſaid court of our ſaid lord the king before the king himſelf at *Weſtminſter* aforeſaid, by his bill or declaration in any perſonal action or ejectment againſt the ſaid *C. D.* before the end of this preſent —— term, (or of —— term then next enſuing,) being the next term after the appearance of him the ſaid *C. D.* at the ſuit of the ſaid *A. B.* Therefore it is conſidered, that the ſaid *A. B.* take nothing by his ſaid precept (or writ), but that he be in mercy, *&c.* And it is further conſidered by his majeſty's court here, that the ſaid *C. D.* do recover againſt the ſaid *A. B.* —— *l.* for his coſts and charges by him laid out about his defence in this behalf, by the court of our ſaid lord the king now here adjudged to the ſaid *C. D.* and with his aſſent, according to the form of

Judgment ſigned, &c.

the

the ſtatute in ſuch caſe made and provided; and that the ſaid *C. D.* have execution thereof, *&c.* Execution.

—— to wit. *C. D.* puts in his place *G. H.* his attorney, at the ſuit of *A. B.* in a plea of treſpaſs on the caſe upon promiſes (or as the plea is). The like, by original.

—— to wit. *C. D.* late of ——, according to the form of the ſtatute in ſuch caſe made and provided, was ſerved with a copy of a certain writ of our lord the king called a ſpecial *capias ad reſpondendum*, iſſuing out of the court of our ſaid lord the king before the king himſelf, directed to the ſheriff of ——, and returnable before our ſaid lord the king, on —— whereſoever our ſaid lord the king ſhould then be in *England*, to anſwer *A. B.* in a plea of treſpaſs on the caſe upon promiſes, to the damage of the ſaid *A. B.* of —— *l.* (or as the plea is); and the ſaid *C. D.* at the ſame day appeared, *&c.* (as in the laſt).

(Entry of warrant of attorney for the defendant as before, p. 286.) The like, on bailable proceſs by bill.

—— to wit. *C. D.* was arreſted by virtue of a precept called a bill of *Middleſex*, (or of a certain writ of our lord the king called a *latitat* or *alias capias*, &c.) iſſuing out of the court of our ſaid lord the king before the king himſelf, directed to the ſheriff of ——, (if a *latitat* or *alias capias*, &c.) and returnable before our ſaid lord the king at *Weſtminſter*, on —— next after —— in —— term now laſt paſt, to anſwer *A. B.* in a plea of treſpaſs, and alſo to a bill of the ſaid *A. B.* to be exhibited againſt the ſaid *C. D.* for —— *l.* on promiſes, (or as the *ac etiam*

etiam is) according to the cuſtom of the court of our ſaid lord the king before the king himſelf; and the ſaid *C. D.* at the ſame day appeared, and put in ſpecial bail by *G. H.* his attorney, at the ſuit of the ſaid *A. B.* And the ſaid *A. B.* hath not declared, *&c.*

The like, in a county-palatine.

—— to wit. *C. D.* was arreſted by virtue of a certain writ or mandate, directed to the ſheriff of the county-palatine of *Lancaſter*, and grounded upon a certain writ of our ſaid lord the king called a *latitat* or *alias capias*, &c. iſſuing out of the court of our ſaid lord the king before the king himſelf, directed to the chancellor of the ſaid county-palatine, and returnable, *&c.*

The like, after the defendant's appearance on an *exigi facias*.

—— to wit. *A. B.* who brought a writ of *exigi facias* of the lord the king before the king himſelf, againſt *C. D.* late of, *&c.* of a plea, *&c.* did not proſecute his writ aforeſaid: Therefore he and his pledges to proſecute are thereupon in mercy, *&c.* and let the names of the pledges be inquired, *&c.* and the ſaid *C. D.* go thereof without day, *&c.* It is alſo conſidered, *&c.* (as before, p. 286, 7.)

The like, in debt *qui tam*.

—— to wit. *C. D.* puts in his place *G. H.* his attorney, at the ſuit of *A. B.* who as well, *&c.* in a plea of debt on ſtatute.

—— to wit. *A. B.* who brought a writ of our lord the king, as well for our ſaid lord the king as for himſelf, againſt *C. D.* of a plea of debt on ſtatute, hath not proſecuted his writ aforeſaid: Therefore it is conſidered, that the ſaid *A. B.* take nothing by his ſaid writ, but that he and his pledges to proſecute

Judgment ſigned, &c.

ſecute be in mercy: And it is further conſidered, *&c.* (as before, p. 286, 7.)

—— to wit. *C. D.* puts in his place *G. H.* his attorney, at the ſuit of *A. B.* in a plea of taking and unjuſtly detaining the goods and chattels of the ſaid *A. B.* againſt ſureties and pledges, *&c.* The like in replevin, for want of a declaration.

—— to wit. *C. D.* was ſummoned to anſwer *A. B.* of a plea wherefore he took, *&c.* (the goods mentioned in the plaint) of the ſaid *A. B.* and unjuſtly detained them againſt ſureties and pledges, *&c.* And hereupon the ſaid *C. D.* in his proper perſon, offers himſelf on the fourth day againſt the ſaid *A. B.* in the plea aforeſaid; but the ſaid *A. B.* although ſolemnly called, comes not, but makes default, nor does he further proſecute his writ againſt the ſaid *C. D.* Therefore it is conſidered, that the ſaid *A. B.* take nothing by his ſaid writ, but that he and his pledges to proſecute be in mercy, *&c.* and that the ſaid *C. D.* do go thereof without day, *&c.* and that he have a return of the ſaid goods and chattels, *&c.*: It is alſo conſidered by the court here, that the ſaid *C. D.* do recover againſt the ſaid *A. B.* —— *l.* for his coſts and charges by him laid out about his defence in this behalf, by the ſaid court here adjudged to the ſaid *C. D.* and with his aſſent, according to the form of the ſtatute in ſuch caſe made and provided: And that the ſaid *C. D.* have execution thereof, *&c.* Judgment ſigned, *&c.* Execution.

—— to wit. *A. B.* puts in his place *E. F.* his attorney, againſt *C. D.* in a plea of taking and unjuſtly The like, for want of a plea in bar, at common law.

juſtly detaining the goods and chattels of the ſaid *A. B.* againſt ſureties and pledges, *&c.*

—— to wit. The ſaid *C. D.* puts in his place *G. H.* his attorney, at the ſuit of the ſaid *A. B.* in the plea aforeſaid.

—— to wit. *C. D.* was ſummoned to anſwer unto *A. B.* of a plea, *&c.* (here copy the declaration and cognizance, and proceed as follows:)

And upon this the ſaid *C. D.* prays that the ſaid *A. B.* may plead in bar of the ſaid cognizance; and thereupon a day is given to the ſaid *A. B.* before our lord the king, until —— whereſoever our ſaid lord the king ſhall then be in *England*, that is to ſay, for him the ſaid *A. B.* to plead in bar of the ſaid cognizance, *&c.* the ſame day is given to the ſaid *C. D.* there, *&c.* At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *C. D.* by his attorney aforeſaid, and offers himſelf againſt the ſaid *A. B.* in the plea aforeſaid; but the ſaid *A. B.* although ſolemnly called, comes not, but makes default, nor hath he pleaded in bar of the ſaid cognizance, nor does he further proſecute his writ againſt the ſaid *C. D.*: Therefore it is conſidered, *&c.* (as in the laſt).

The like, on the ſtat. 17 *Car. II.* c. 7.

(As in the laſt, to the end of the judgment for a return, and then as follows:)

And hereupon the ſaid *C. D.* according to the form of the ſtatute in ſuch caſe made and provided, prays the writ of our ſaid lord the king to be directed to the ſheriff of —— to inquire of the arrears of the

rent

rent aforesaid, and of the value of the said goods and chattels; and it is granted to him, *&c.*: Therefore it is commanded to the said sheriff of ——, according to the form of the statute aforesaid, that he diligently inquire, by the oath of twelve good and lawful men of his bailiwick, how much of the yearly rent aforesaid, at the time of taking and distraining the said goods and chattels, was in arrear and unpaid, and how much the said goods and chattels so as aforesaid taken and distrained, were worth, according to the value of the same; and that the inquisition which the said sheriff shall thereupon take, he make appear to our said lord the king, on —— wheresoever our said lord the king shall then be in *England*, under his seal, and the seals of those by whose oath he shall take the said inquisition; and that he have there the names of them by whose oath he shall take the said inquisition, together with the writ of our said lord the king to him thereupon directed; the same day is given to the said *C. D.* &c. At which day, before our said lord the king at *Westminster*, comes the said *C. D.* by his attorney aforesaid, and the sheriff of ——, to wit ——, now here returns a certain inquisition indented, taken before him at —— in the said county, on —— the —— day of —— in the —— year of the reign of our said lord the king, by the oath of twelve good and lawful men of his county; whereby it appears, that the sum of —— *l.* of the said yearly rent was in arrear and unpaid, and due and owing from the said *A. B.* to the said *C. D.* at the time in the said cognizance mentioned, and of the distress taken; and that the goods and chattels distrained were

worth, according to the value thereof, the ſum of —— *l.* Therefore it is conſidered, that the ſaid *C. D.* do recover againſt the ſaid *A. B.* the ſaid ſum of —— *l.* being the arrearages of the ſaid rent, by the ſaid inquiſition in form aforeſaid found, and alſo —— *l.* by the court of our ſaid lord the king now here adjudged to the ſaid *C. D.* and at his requeſt, for his coſts and charges by him about his ſuit in this behalf ſuſtained, according to the form of the ſtatute in ſuch caſe made and provided; which ſaid arrearages, coſts and charges in the whole amount to —— *l.* And that the ſaid *C. D.* have execution thereof, *&c.*

Judgment ſigned, &c.

Execution.

The like, where the goods are found to be of leſs value than the rent.

Therefore it is conſidered, that the ſaid *C. D.* do recover againſt the ſaid *A. B.* the ſaid —— *l.* parcel of the rent aforeſaid, by the ſaid inquiſition in form aforeſaid found, and his damages by reaſon of the premiſes to —— *l.* by the court of our ſaid lord the king now here adjudged to the ſaid *C. D.* and at his requeſt, for his coſts and charges by him in this behalf ſuſtained, according to the form of the ſtatute in ſuch caſe made and provided; which ſaid value coſts and charges in the whole amount to —— *l.* And that the ſaid *C. D.* have execution thereof, *&c.*

Execution.

Judgment of *non-pros* for not replying.

(Entry of warrant of attorney for the defendant.)

—— to wit. *Be it remembered*, &c. (as in an iſſue, to the end of defendant's plea, and then as follows:)

And upon this the ſaid *C. D.* prays that the ſaid *A. B.* may reply to the aforeſaid plea of him the ſaid *C. D.* and thereupon a day is given by the court

court here to the ſaid *A. B.* before our lord the king at *Weſtminſter*, until —— days next after the end of this ſame term, that is to ſay, for him the ſaid *A. B.* to reply to the aforeſaid plea of the ſaid *C. D.* the ſame day is given to the ſaid *C. D.* at the ſame place: At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *C. D.* by his attorney aforeſaid; and the ſaid *A. B.* although at that day ſolemnly called, comes not, nor hath he replied to the aforeſaid plea of the ſaid *C. D.* nor doth he further proſecute his ſaid ſuit: Therefore it is conſidered by the court here, that the ſaid *A. B.* take nothing by his ſaid bill, but that he and his pledges to proſecute be in mercy, *&c.* And it is further conſidered by his majeſty's court here, *&c.* (as before, p. 286, 7.)

Judgment ſigned, &c.

(Enter the warrants of attorney for both parties; and after copying the iſſue, to the end of the award of *venire facias*, proceed as follows:)

The like, for not entering the iſſue.

At which day, before our ſaid lord the king at *Weſtminſter*, came as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid; and the ſheriff did not ſend the writ of our ſaid lord the king to him in that behalf directed, nor did he do any thing thereupon: Therefore, as before, let a jury thereupon come before our ſaid lord the king at *Weſtminſter*, on —— next after ——, by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* the ſame day is given to the parties aforeſaid at the ſame place: At which day, before our ſaid lord the king at *Weſtminſter*, came the parties aforeſaid by their attornies

aforeſaid; and the ſheriff did not ſend the writ of our ſaid lord the king to him in that behalf directed, nor did he do any thing thereupon: Whereupon the ſaid *C. D.* prays the court of our ſaid lord the king now here, that the ſaid *A. B.* may enter the ſaid iſſue above joined between the parties aforeſaid: And hereupon the ſaid *A. B.* is ordered by the court of our ſaid lord the king now here, that he enter the ſaid iſſue on —— next after —— in this ſame term, on the peril attending the neglect thereof; the ſame day is given to the ſaid *C. D.* there, *&c.* At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *C. D.* by his ſaid attorney, and the ſaid *A. B.* although ſolemnly called, comes not, but makes default, nor hath he entered the ſaid iſſue above joined in the plea aforeſaid: Therefore it is conſidered by the court here, that the ſaid *A. B.* take nothing by his ſaid bill, but that he and his pledges to proſecute be in mercy, *&c.* and that the ſaid *C. D.* do go thereof without day, *&c.* And it is further conſidered, *&c.* (as before, p. 286, 7.)

Judgment ſigned, &c.

Judgment as in caſe of a nonſuit.

(As in the laſt, to the end of the ſecond award of the *venire*, and then as follows:)

At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *C. D.* by his ſaid attorney; and the ſaid *A. B.* although ſolemnly called, comes not: And it appearing to the court of our ſaid lord the king now here, that the ſaid *A. B.* hath neglected to bring the iſſue above joined on to be tried, according to the courſe and practice of the ſaid court: Therefore, according to the form of the ſtatute in ſuch caſe made

Judgment ſigned, &c.

made and provided, it is conſidered, that the ſaid *A. B.* take nothing by his ſaid bill, but that he and his pledges to proſecute be in mercy, *&c.* and that the ſaid *C. D.* do go thereof without day, *&c.* And it is further conſidered, *&c.* (as before, p. 286, 7.)

Entry of diſcontinuance by bill.

Afterwards, to wit, on —— next after —— in —— term, in the —— year of the reign of our lord the now king, before our ſaid lord the king at *Weſtminſter*, came the ſaid *C. D.* by his attorney aforeſaid; and the ſaid *A. B.* did not then and there proſecute his ſaid bill againſt the ſaid *C. D.* with effect, but voluntarily permitted his ſuit to be diſcontinued: Therefore it is conſidered, that the ſaid *A. B.* take nothing by his ſaid bill, but that he and his pledges to proſecute be in mercy, *&c.* And it is further conſidered, *&c.* (as before, p. 286, 7.)

The like, by original.

It is recorded by the court, on, *&c.* in —— term in the —— year of the reign of our lord the now king, that the plea aforeſaid hath not a day of continuance by the ſame roll, beyond the aforeſaid ——: Therefore let the plea aforeſaid be diſcontinued, at the requeſt of the ſaid *A. B.* &c.

Judgment for the defendant, on a *nolle proſequi*.

And hereupon the ſaid *A. B.* inaſmuch as he cannot deny the ſeveral matters above pleaded by the ſaid *C. D.* freely here in court confeſſes, that he will not further proſecute his ſuit againſt the ſaid *C. D.* Therefore it is conſidered by the court here, that the ſaid *A. B.* take nothing by his ſaid bill, but that he

and his pledges to profecute be in mercy, &c. and that the ſaid *C. D.* do go thereof without day, &c. And it is further conſidered, &c. (as before, p. 286, 7.)

The like, as to a particular count.

And hereupon the ſaid *A. B.* freely here in court confeſſes, that he will not further proſecute his ſuit againſt the ſaid *C. D.* in reſpect of the premiſes in the —— count of the ſaid declaration mentioned: Therefore, as to the premiſes in that count mentioned, let the ſaid *C. D.* be acquitted, and go thereof without day, &c.

Caſſetur billa vel breve.

And hereupon the ſaid *A. B.* inaſmuch as he cannot deny the ſeveral matters above pleaded by the ſaid *C. D.*, but admits the ſame to be true, prays judgment, and that the ſaid bill (or writ) of him the ſaid *A. B.* may be quaſhed, to the intent that he the ſaid *A. B.* may exhibit a better bill (or ſue out a better writ) againſt the ſaid *C. D.* Therefore it is conſidered by the court of our ſaid lord the king before the king himſelf now here, that the ſaid bill (or writ) of the ſaid *A. B.* be quaſhed, &c.

Judgment for the defendant, on demurrer to a plea.

(To the end of the demurrer-book, and then as follows:)

At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid by their attornies aforeſaid: Whereupon all and ſingular the premiſes being ſeen, and by the court of our ſaid lord the king now here fully underſtood, and mature

mature deliberation being thereupon had, it appears to the ſaid court here, that the ſaid plea above pleaded by the ſaid *C. D.* in manner and form aforeſaid, and the matters therein contained, are ſufficient in law to bar the ſaid *A. B.* from having or maintaining his ſaid action againſt the ſaid *C. D.* Therefore it is conſidered, that the ſaid *A. B.* take nothing by his ſaid bill, but that he and his pledges to proſecute be in mercy, *&c.* and that the ſaid *C. D.* do go thereof without day, *&c.* And it is further conſidered, *&c.*

Judgment ſigned, &c.

(To the end of the iſſue, and then as follows:)

The like, on a plea of *nul tiel record.*

At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid, by their attornies aforeſaid; and the ſaid *A. B.* hath not here in court the record of the ſuppoſed recovery in the ſaid declaration mentioned, but hath failed and made default in producing the ſame: Therefore it is conſidered, that the ſaid *A. B.* take nothing by his ſaid bill, but that he and his pledges to proſecute be in mercy, *&c.* and that the ſaid *C. D.* do go thereof without day, *&c.* And it is further conſidered, *&c.*

Judgment ſigned, &c.

Judgment for the defendant, on a verdict at the assizes.

(To the end of the issue, and then as follows:)

Afterwards the process thereof is continued between the parties aforesaid, of the plea aforesaid, by the jury being respited between them, before our said lord the king at *Westminster*, until —— next after ——, unless his majesty's justices assigned to take the assizes in and for the county aforesaid, shall first come on —— the —— day of —— in the —— year of the reign of our said lord the king, at —— in the county aforesaid, according to the form of the statute in such case made and provided, for default of the jurors, because none of them did appear: And now here at this day, comes the said *C. D.* by his attorney aforesaid; and the said justices of assize, before whom the said issue was tried, have sent hither their record had before them in these words, to wit: Afterwards, *&c.* (to the end of the *postea*).

Judgment signed, &c.

Therefore it is considered, that the said *A. B.* take nothing by his said bill (or writ), but that he and his pledges to prosecute be in mercy, *&c.* and that the said *C. D.* do go thereof without day, *&c.* And it is further considered, *&c.*

The like, for a surviving defendant.

(As in the last, to the words "none of them did appear," and then as follows:)

At which day, before our said lord the king at *Westminster*, come as well the said *A. B.* by his attorney aforesaid, as the said *C. D.* by his attorney aforesaid; and the said *E. F.* comes not: And the said justices of assize, before whom, *&c.* have sent hither their record had before them in these words, to wit: Afterwards, *&c.* (here copy the *postea*).

And upon this the ſaid *C. D.* gives the court here to underſtand and be informed, that after the laſt continuance of the plea aforeſaid and before this day, to wit, on *&c.* the ſaid *E. F.* died, to wit, at *&c.* and the ſaid *C. D.* there ſurvived him, which the ſaid *A. B.* does not deny, but admits the ſame to be true; wherefore the ſaid *C. D.* prays judgment of and upon the premiſes: Therefore it is conſidered, that the ſaid *A. B.* take nothing by his bill aforeſaid, but that he and his pledges to proſecute be in mercy, *&c.* and that all further proceedings as to the ſaid *E. F.* be ſtayed, and the ſaid *C. D.* do go thereof without day, *&c.* And it is further conſidered, *&c.*

Judgment ſigned, &c.

(To the end of the *poſtea*, and then as follows:)

The like in replevin, on the ſtat. 17 *Car. II.* c. 7.

Therefore it is conſidered, that the ſaid *A. B.* take nothing by his writ aforeſaid, but that he and his pledges to proſecute be in mercy, *&c.* and that the ſaid *C. D.* do go thereof without day, *&c.* It is alſo conſidered, that the ſaid *C. D.* do recover againſt the ſaid *A. B.* the ſaid —— *l.* being the ſum of the arrears aforeſaid, for the value of the ſaid goods and chattels ſo diſtrained as aforeſaid, and alſo —— *l.* by the court of our ſaid lord the king now here adjudged to the ſaid *C. D.* and with his aſſent, according to the form of the ſtatute in ſuch caſe made and provided, for his coſts and charges by him about his ſuit in this behalf expended; which ſaid arrears, coſts and charges in the whole amount to —— *l.* And that the ſaid *C. D.* have execution thereof, *&c.*

Execution.

(To

The like, as in case of a nonsuit, on the *Welch* judicature act.

(To the end of the *postea*, and then as follows:)

But because it is suggested and proved, and manifestly appears to the court here, that the cause of action aforesaid arose in the principality of *Wales*, and that the said *C. D.* was resident within the dominion of *Wales*, at the time of the service of the writ of —— served on him in this action: Therefore it is considered, that the said *A. B.* take nothing by his said writ, or by his bill aforesaid, against the said *C. D.* but that he be in mercy for his false claim; and that the said *C. D.* do go thereof without day, *&c.* It is also considered, *&c.* (as before, p. 286, 7.)

The like, for double costs, on the court of conscience act for *Middlesex*.

Therefore it is considered, that the said *A. B.* do recover against the said *C. D.* his damages aforesaid, by the jurors aforesaid in form aforesaid assessed: And because it is suggested and proved, and manifestly appears to the court here, that the said *C. D.* at the time of bringing this action, did live and reside in the said county of *Middlesex*, and was liable to be summoned to the county-court of *Middlesex* aforesaid: It is further considered by the said court here, that the said *C. D.* do recover against the said *A. B.* the sum of —— *l.* for his double costs of suit in this behalf, by the said court here adjudged to the said *C. D.* and with his assent, according to the form of the statute in such case made and provided; and that the said *C. D.* have execution thereof, *&c.*

Judgment signed, &c.

Execution.

A memorial to be regiſtered, purſuant to the ſtatute, *&c.* Memorial of a judgment.

Of a judgment in his majeſty's court of King's Bench, of —— term, in the —— year of the reign of king *George* the Third, between *A. B.* plaintiff and *C. D.* defendant; in a plea of, *&c.* Roll —.

I do hereby certify, that judgment was ſigned in the above cauſe, the —— day of —— 179-. Certificate of the maſter thereon.

Robert Forſter.

E. F. of, *&c.* maketh oath and ſaith, that he was preſent and did ſee *Robert Forſter* eſquire, ſecondary of the court of King's Bench, ſign the certificate of the judgment in the memorial above-mentioned. Affidavit of ſignature.

Fieri facias in *aſſumpſit.*

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings, then lately made by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And have that money before us at *Weſtminſter*, on —— next after —— to render to the ſaid *A. B.* for his damages aforeſaid; and have there then this writ*. Witneſs *Lloyd* Lord *Kenyon* at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Way.

The like, by and againſt ſurviving partners.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels of *G. H.* and *J. K.* in your bailiwick, you cauſe to be made —— *l.* which *A. B. C. D.* and *E. F.* in the life-time of the ſaid *E. F.* now deceaſed, and whom the ſaid *A. B.* and *C. D.* have ſurvived, lately in our court before us at *Weſtminſter*, recovered againſt them the ſaid *G. H.* and *J. K.* and one *L. M.* in his life-time now deceaſed, and whom the ſaid *G. H.* and *J. K.* have ſurvived, for their damages which they had ſuſtained, as well on

* This and the following writs are drawn, as if the proceedings were by *bill*; but they may be eaſily adapted to proceedings by *original*, by making them returnable on a general return-day, wheresoever, *&c.* and inſtead of the words, "have there then this writ," by ſaying, "have there this writ."

occaſion

occaſion of the not performing certain promiſes and undertakings, then lately made by the ſaid *G. H. J. K.* and *L. M.* to the ſaid *A. B. C. D.* and *E. F.* as for their coſts and charges, *&c.* whereof the ſaid *G. H. J. K.* and *L. M.* are convicted, as appears to us of record; and have that money, *&c.*

The like, for an executor or adminiſtrator, on a judgment by the teſtator or inteſtate.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made —— *l.* which *A. B.* in his life-time lately in our court before us at *Weſtminſter*, recovered againſt him, for his damages which he had ſuſtained, *&c.* whereof the ſaid *C. D.* is convicted, as appears to us of record: And whereupon it is conſidered in our ſaid court before us, that *E F.* executor of the laſt will and teſtament of the ſaid *A. B.* deceaſed, (or adminiſtrator of all and ſingular the goods, chattels and credits, which were of the ſaid *A. B.* deceaſed at the time of his death, who died inteſtate,) have execution againſt the ſaid *C. D.* for the damages aforeſaid, according to the force, form and effect of the ſaid recovery, by the default of the ſaid *C. D.* as alſo appears to us of record: And have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, for the damages aforeſaid; and have there then this writ. Witneſs, *&c.*

The like, upon a judgment by an executor or adminiſtrator.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made

made —— *l.* which *A. B.* executor of the laſt will and teſtament of *E. F.* deceaſed, (or adminiſtrator of all and ſingular the goods chattels and credits which were of *E. F.* deceaſed at the time of his death, who died inteſtate,) lately in our court before us at *Weſtminſter*, recovered againſt him, *&c.* whereof the ſaid *C. D.* is convicted, as appears to us of record; and have that money, *&c.* (as in the laſt).

The like, againſt an executor or adminiſtrator, on a judgment againſt the teſtator or inteſtate.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels which were of *C. D.* deceaſed at the time of his death, in the hands of *E. F.* executor, *&c.* (or adminiſtrator, *&c.*) to be adminiſtered, in your bailiwick, you cauſe to be made —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* for his damages, *&c.* whereof the ſaid *C. D.* was convicted, as appears to us of record: And whereupon it is conſidered in our ſaid court before us at *Weſtminſter* aforeſaid, that the ſaid *A. B.* have his execution againſt the ſaid *E. F.* as executor (or adminiſtrator) as aforeſaid, of the damages aforeſaid, of the goods and chattels which were of the ſaid *C. D.* at the time of his death, in the hands of the ſaid *E. F.* as executor (or adminiſtrator) as aforeſaid to be adminiſtered, according to the form and effect of the ſaid recovery: And have that money, *&c.* and have there then this writ. Witneſs, *&c.*

The like, on a judgment againſt an executor or adminiſtrator, *de bonis teſtatoris*, *&c.*

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels in your bailiwick, which were of *E. F.* deceaſed at the time of his death, in the hands of *C. D.*

executor, &c. (or adminiſtrator, &c.) to be adminiſtered, you cauſe to be made —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* as executor (or adminiſtrator) as aforeſaid, for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings, made by the ſaid *E. F.* in his life-time to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended, whereof the ſaid *C. D.* is convicted, as appears to us of record, if the ſaid *C. D.* hath ſo much thereof in his hands to be adminiſtered; and if he hath not ſo much thereof in his hands to be adminiſtered, then that you cauſe to be made —— *l.* parcel of the damages aforeſaid, being for the coſts and charges aforeſaid, of the proper goods and chattels of the ſaid *C. D.* in your bailiwick; and have that money, &c.

Fieri facias in debt.

George the third, &c. To the ſheriff of —— greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made a certain debt of —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, and alſo —— *l.* which in our ſame court before us at *Weſtminſter* aforeſaid, were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detention of the ſaid debt, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his debt

and damages aforeſaid; and have there then this writ. Witneſs, &c.

The like, in debt *qui tam.*

George the Third, &c. To the ſheriff of —— greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made a certain debt of —— *l.* which *A. B.* who ſued as well for us as for himſelf in that behalf, lately in our court before us at *Weſtminſter*, recovered againſt *C. D.* that is to ſay, one moiety thereof to the ſaid *A. B.* who ſued as aforeſaid, to his own proper uſe, and the other moiety thereof to our own proper uſe; (and if the judgment was for coſts, add, "and alſo —— *l.* which in our ſaid court before us were adjudged to the ſaid *A. B.* who ſued as aforeſaid, and with his aſſent, according to the form of the ſtatute in ſuch caſe made and provided, for his coſts and charges by him about his ſuit in that behalf expended;") whereof the ſaid *C. D.* is convicted, as appears to us of record: And have that money before us at *Weſtminſter*, on —— next after ——, to render one moiety thereof to us, and the other moiety thereof to the ſaid *A. B.* who ſued as aforeſaid; (or if there are coſts, "one moiety of the ſaid debt of —— *l.* to us, and the reſidue thereof, as well as the ſaid ſum of —— *l.* for the coſts and charges aforeſaid, to the ſaid *A. B.* who ſued as aforeſaid;") and have there then this writ. Witneſs, &c.

The like, by and againſt ſurviving partners.

George the Third, &c. To the ſheriff of —— greeting: We command you, that of the goods and chattels of *G. H.* and *J. K.* in your bailiwick, you cauſe to be made a certain debt of —— *l.* which *A. B. C. D.* and *E. F.* in the life-time of the ſaid *E. F.* now deceaſed, and whom the ſaid *A. B.* and *C. D.*

C. D. have ſurvived, lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *G. H.* and *J. K.* and *L. M.* in his life-time now deceaſed, and whom the ſaid *G. H.* and *J. K.* have ſurvived, and alſo —— *l.* which in our ſame court before us at *Weſtminſter* aforeſaid, were adjudged to the ſaid *A. B. C. D.* and *E. F.* for their damages, *&c.* whereof the ſaid *G. H. J. K.* and *L. M.* were convicted, as appears to us of record; and have that money, *&c.*

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels, *&c.* you cauſe to be made a certain debt of —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* as executor (or adminiſtrator) as aforeſaid, and alſo —— *l.* which in our ſaid court before us at *Weſtminſter* aforeſaid, were adjudged to the ſaid *A. B.* for his damages, *&c.* (as in a common *fieri facias* in debt) if the ſaid *C. D.* hath ſo much thereof in his hands to be adminiſtered; and if he hath not ſo much thereof in his hands to be adminiſtered, then that you cauſe the damages aforeſaid to be made of the proper goods and chattels in your bailiwick of the ſaid *C. D.* and have that money, *&c.*

The like, againſt an executor or adminiſtrator, *de bonis teſtatoris*, &c.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* for his damages which he had ſuſtained, as well on

Fieri facias in covenant.

occaſion of the breach of a certain covenant made between the ſaid *A. B.* and the ſaid *C. D.* as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record; and have that money, &c.

In caſe. For his damages which he had ſuſtained, as well on occaſion of a certain grievance then lately committed by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts, &c.

In trover. For his damages which he had ſuſtained, as well on occaſion of the converting and diſpoſing of certain goods and chattels of the ſaid *A. B.* by the ſaid *C. D.* as for his coſts, &c.

In an action for words. For his damages which he had ſuſtained, as well on occaſion of the ſpeaking and publiſhing of certain falſe, ſcandalous, malicious and defamatory words, then lately ſpoken and publiſhed by the ſaid *C. D.* to of and concerning the ſaid *A. B.* as for his coſts, &c.

In replevin. For his damages which he had ſuſtained, as well on occaſion of the taking and unjuſtly detaining of the cattle goods and chattels of the ſaid *A. B.* as for his coſts, &c.

In treſpaſs. For his damages which he had ſuſtained, as well on occaſion of a certain treſpaſs then lately committed by the ſaid *C. D.* as for his coſts, &c.

For

For his damages which he had ſuſtained, as well on occaſion of a certain treſpaſs and aſſault then lately committed by the ſaid *C. D.* on the ſaid *A. B.* as for his coſts, *&c.* In treſpaſs and aſſault.

For his damages which he had ſuſtained, as well on occaſion of a certain treſpaſs and ejectment then lately committed by the ſaid *C. D.* againſt the ſaid *A. B.* as for his coſts, *&c.* In treſpaſs and ejectment.

George the Third, *&c.* To the chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: We command you, that by our writ under the ſeal of our ſaid county-palatine, to be duly made and directed to the ſheriff of the ſame county, you command the ſaid ſheriff, that of the goods and chattels of *C. D.* in his bailiwick, he cauſe to be made, *&c.* whereof the ſaid *C. D.* is convicted, as appears to us of record: And have you that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.* To a county-palatine.

(As in a common *fieri facias*, to the words, "whereof the ſaid *C. D.* is convicted, as appears to us of record:") And whereupon it is conſidered in our ſame court before us, that the ſaid *A. B.* have his execution againſt the ſaid *C. D.* of the damages (or debt and damages) aforeſaid, according to the force form and effect of the ſaid recovery, by the default of the ſaid *C. D.* as alſo appears to us of record; and have that money, *&c.* After *ſciri facias*, by default.

The like, after plea or demurrer.

—— whereof the ſaid *C. D.* is convicted, *&c.* and alſo —— *l.* which in our ſaid court before us were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his coſts and charges by him laid out in and about the proſecution of our writ of *ſcire facias*, for having execution upon the ſaid judgment, for the damages (or debt and damages) aforeſaid: And whereupon it was after plea pleaded (or demurrer joined) therein, conſidered in our ſame court before us, that the ſaid *A. B.* ſhould have his execution againſt the ſaid *C. D.* of the damages (or debt and damages) aforeſaid, according to the force form and effect of the ſaid recovery, as alſo appears to us of record; and have the ſaid monies, *&c.*

The like, againſt the lands, &c. of a defendant, diſcharged under an inſolvent act.

Whereupon it is conſidered in our ſame court before us, that the ſaid *A. B.* have his execution for his damages aforeſaid, to be levied not on the perſon, but on the lands goods and chattels of the ſaid *C. D.* by the default of the ſaid *C. D.* as alſo appears to us of record; and have that money, *&c.*

Entry of *fieri facias* on the roll, and award of *alias*.

Afterwards, to wit, on the —— day of —— in this ſame term, the ſaid *A. B.* comes here into court by his attorney aforeſaid, and prays the writ of the lord the king of *fieri facias*, to be directed to the ſheriff of ——, commanding him that of the goods and chattels of the ſaid *C. D.* in his bailiwick, he cauſe to be made the damages (or debt and damages) aforeſaid; and it is granted to him, returnable before the ſaid lord the king at *Weſtminſter*, on —— next after ——; the ſame day is given to the ſaid *A. B.*

at the ſame place: At which day before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſaid ſheriff of —— hath not ſent the ſaid writ, nor hath he done any thing thereupon: Therefore, as before, let another writ be thereupon made, and directed to the ſaid ſheriff of ——, commanding him in form aforeſaid; and it is granted, *&c.* returnable before the ſaid lord the king at *Weſtminſter*, on —— next after ——; the ſame day is given to the ſaid *A. B.* at the ſame place.

George the Third, *&c.* To the ſheriff of —— greeting: We command you, that of the goods and chattels of *A. B.* in your bailiwick, you cauſe to be made —— *l.* which lately in our court before us at *Weſtminſter*, were adjudged to *C. D.* according to the form of the ſtatute in ſuch caſe made and provided, for his coſts and charges by him laid out in and about his defence, of and upon a certain precept called a bill of *Middleſex*, (or our certain writ of ——,) iſſued out of our ſaid court before us, at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* for that the ſaid *A. B.* had not declared thereupon, in our ſaid court before us, by his bill or declaration in any perſonal action or ejectment againſt the ſaid *C. D.* before the end of —— term, in the —— year of our reign, being the next term after the appearance of the ſaid *C. D.* at the ſuit of the ſaid *A. B.* whereof the ſaid *A. B.* is convicted, as appears to us of record: And have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *C. D.*

Fieri facias on a *non-pros*, for not declaring on a bill of *Middleſex* or *latitat*, &c.

for his coſts and charges aforeſaid; and have ther then this writ. Witneſs, &c.

The like, by original.

For his coſts and charges by him laid out in and about his defence, in a certain plea of treſpaſs on the caſe upon promiſes, to the damage of the ſaid *A. B.* of —— *l.* (or as the plea is) then lately commenced and depending in our ſaid court before us, at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* for that the ſaid *A. B.* had not proſecuted his writ againſt the ſaid *C. D.* in the plea aforeſaid; whereof the ſaid *A. B.* is convicted, &c.

The like, for not replying.

For his coſts and charges by him laid out in and about his defence in a certain action of treſpaſs on the caſe upon promiſes (or as the action is), then lately commenced and depending in our ſaid court before us, at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* for that the ſaid *A. B.* had not replied to certain pleas then lately pleaded by the ſaid *C. D.* in the ſaid action, or further proſecuted the ſame; whereof the ſaid *A. B.* is convicted, &c.

The like, for not ſurrejoining.

For his coſts and charges, &c. for that the ſaid *A. B.* had not ſurrejoined to certain rejoinders then lately made by the ſaid *C. D.* in the ſaid action, or further proſecuted the ſame; whereof, &c.

The like, for not entering the iſſue.

For his coſts and charges, &c. for that the ſaid *A. B.* had not entered a certain iſſue (or certain iſſues) then lately joined between the ſaid *A. B.* and the ſaid *C. D.* in the ſaid action, or further proſecuted the ſame; whereof, &c.

For his coſts and charges, *&c.* for that the ſaid *A. B.* had neglected to bring a certain iſſue before then joined in the ſaid action, on to be tried, according to the courſe and practice of the ſaid court; whereof, *&c.* The like, on a judgment as in caſe of a nonſuit.

For his coſts and charges by him laid out in and about his defence in a certain action of treſpaſs on the caſe upon promiſes (or as the action is), lately brought in our ſaid court before us, by the ſaid *A. B.* againſt the ſaid *C. D.* for that the ſaid *A. B.* did not proſecute the ſaid action; whereof, *&c.* The like, on a nonſuit.

For his coſts and charges by him laid out in and about his defence in a certain action of treſpaſs on the caſe upon promiſes (or as the action is), lately proſecuted in our ſaid court before us, by the ſaid *A. B.* againſt the ſaid *C. D.* whereof, *&c.* The like, on a verdict for defendant.

The within-named *C. D.* has no goods or chattels in my bailiwick, whereof I can cauſe to be made the damages (or debt and damages) within-mentioned, or any part thereof, according to the exigency of this writ. Return of *nulla bona.*

The anſwer of —— ſheriff.

By virtue of this writ to me directed, I have cauſed to be made of the goods and chattels of the within-named *C. D.* the damages (or debt and damages) within-mentioned; which I have ready before *Fieri fecì.*

before the lord the king, at the day and place within-contained, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid, as within I am commanded.

The anſwer, *&c.*

The like, upon a *mandavi baliſtvo.*

By virtue, *&c.* I made my mandate to the bailiff of *E. F.* eſquire, of his liberty of ——, who hath the execution and return of all writs and proceſs within the ſaid liberty, and without whom no execution of this writ could be made by me within the ſame; which ſaid bailiff hath returned to me, that by virtue of my ſaid mandate to him thereupon directed, he hath cauſed to be made of the goods and chattels of the within-named *C. D.* the damages (or debt and damages) within-mentioned; and that he hath that money ready before the lord the king, at the day and place within-contained, as by my ſaid mandate he was commanded.

The anſwer, *&c.*

Fieri feci for part, and *nulla bona* as to the reſidue.

By virtue, *&c.* I have cauſed to be made of the goods and chattels of the within-named *C. D.* the ſum of —— *l.* which money I have ready before our lord the king, at the day and place within-contained, to render to the ſaid *A. B.* in part of his damages (or debt and damages) within-mentioned: And I further certify to our ſaid lord the king, that the ſaid *C. D.* has not any other or more goods or chattels in my bailiwick, whereof I can cauſe to be made the reſidue of the damages (or debt and damages) aforeſaid, according to the exigency of this writ.

The anſwer, *&c.*

By

The like, and that the ſheriff has paid part of the ſum levied to the landlord for rent.

By virtue of this writ to me directed, I have cauſed to be made of the goods and chattels of the within-named *C. D.* to the value of —— *l.* And I further certify, that I have paid to —— the landlord of the premiſes on which the ſaid goods and chattels were taken, the ſum of —— *l.* for —— rent due to him for the ſaid premiſes at —— laſt; and that I have retained in my hands the ſum of —— *l.* for poundage upon the ſaid ſum of —— *l.* making together with the ſaid ſum of —— *l.* the ſum of —— *l.* and the remaining ſum of —— *l.* I have ready, as within I am commanded: And the ſaid *C. D.* hath not any other or more goods or chattels in my bailiwick, whereof I can cauſe to be made the reſidue of the damages (or debt and damages) within-mentioned, or any part thereof.

The anſwer, *&c.*

The like, upon a *mandavi baſlivo*, under ſpecial circumſtances.

By virtue, *&c.* I have ſent my mandate to the bailiff of the liberty of —— in my county, who hath the execution and return of all writs and proceſs within the ſame liberty, and without whom no execution of this writ by me could be made within the ſame liberty; which ſaid bailiff hath anſwered me, that by virtue of the ſaid mandate to him directed, he took in execution divers goods and chattels of the within-named *C. D.* which he kept poſſeſſion of for the ſpace of —— days, and at the expiration of that time ſold by public auction, by the direction of *E. F.* the attorney of and for the within-named *A. B.* and that the ſaid *E. F.* as ſuch attorney of and for the ſaid *A. B.* was the higheſt bidder for, and declared the buyer

buyer at such sale of divers of the said goods and chattels, to the amount of —— *l.*, which sum still remains unpaid; and that the said bailiff caused to be made of the said goods and chattels so taken in execution, over and besides the said sum of —— *l.*, the sum of —— *l.*, out of which last-mentioned sum of money he paid to *G. H.* the landlord of the premises whereon the said goods and chattels were taken, the sum of —— *l.* for rent due to him at —— last; and that he also paid the sum of —— *l.* for king's taxes, due for and in respect of the said premises, at the time of taking the said goods and chattels; and that he hath retained the sum of —— *l.* with the consent of the said *E. F.* for the necessary charges and expences of, and attending the keeping possession of and selling the said goods and chattels by auction as aforesaid, and also the sum of —— *l.* for poundage; and the remainder of the said sum of —— *l.* the said bailiff hath paid to me, and I have the same ready to render to the said *A. B.* as within I am commanded: And the said bailiff hath further answered me, that the said *C. D.* hath not any other or more goods or chattels in his liberty, whereof he can cause to be made the residue of the damages (or debt and damages) within-mentioned, or any part thereof: And I further certify and return, that the said *C. D.* hath not any other or more goods or chattels in my bailiwick, whereof I can cause to be made the residue of the damages (or debt and damages) aforesaid, or any part thereof.

The answer, *&c.*

By

That the ſheriff has taken goods, which remain in his hands for want of buyers.

By virtue, &c. I have taken goods and chattels of the within-named *C. D.* to the value of the damages (or debt and damages) within-mentioned, which goods and chattels remain in my hands unſold, for want of buyers; therefore I cannot have that money before the lord the king, at the day and place within-contained, as I am within-commanded.

The anſwer, &c.

The like, where part of the goods have been ſold, and the reſt remain in his hands, &c.

By virtue, &c. I have taken goods and chattels of the within-named *C. D.* to the value of —— *l.*, and have expoſed them to ſale from day to day, and have thereof ſold to the value of —— *l.*, which money I have ready before the lord the king, at the day and place within-contained, to render to the within-named *A. B.* as within I am commanded; and the reſidue of the goods and chattels aforeſaid ſtill remain in my hands unſold, for want of buyers.

The anſwer, &c.

Nulla bona, and that the defendant is a beneficed clerk, &c.

The within-named *C. D.* has no goods or chattels, nor any lay fee, in my bailiwick, whereof I can cauſe to be made the damages (or debt and damages) within-mentioned, or any part thereof, as within I am commanded; but I do hereby certify, that the ſaid *C. D.* is a beneficed clerk, to wit, rector of the rectory (or vicar of the vicarage) and pariſh church of —— in my county; which ſaid rectory (or vicarage) and pariſh church are within the dioceſe of the reverend father in God —— by divine permiſſion, lord biſhop of ——.

The anſwer, &c.

The

Nulla bona teſtatoris nec propria, in an action againſt an executor or adminiſtrator.

The within-named *C. D.* has no goods or chattels which were of the within-named *E. F.* at the time of his death, in his hands to be adminiſtered, in my bailiwick, whereof I can cauſe to be made the damages (or debt and damages) within-mentioned, or any part thereof; and he has not any of his own proper goods or chattels, in my bailiwick, whereof I can cauſe to be made the within-mentioned ſum of —— *l.* parcel, *&c.* (or in debt, "the damages aforeſaid,") or any part thereof, according to the exigency of this writ.

The anſwer, *&c.*

The like, with a *devaſtavit.*

The within-named *C. D.* has no goods or chattels, *&c.* (as before) but divers goods and chattels which were of the ſaid *E. F.* at the time of his death, to the value of the damages (or debt and damages) within-mentioned, after the death of the ſaid *E. F.* came to the hands of the ſaid *C. D.* to be adminiſtered; which ſaid goods and chattels the ſaid *C. D.* hath before the coming of this writ to me directed, cloigned, waſted, and converted to his own uſe.

The anſwer, *&c.*

Alias or *pluries fieri facias.*

George the Third, *&c.* To the ſheriff of —— greeting: We command you, as before (or as oftentimes before) we have commanded you, that of the goods and chattels, *&c.* (as in the former writs, altering the return.)

George

George the Third, &c. To the ſheriff of —— greeting: We command you, that you do not omit by reaſon of any liberty in your county, but that you enter the ſame, and of the goods and chattels, &c. *Non omittas fieri facias.*

George the Third, &c. To the ſheriff of —— greeting: Whereas we lately commanded our ſheriff of —— that of the goods and chattels of *C. D.* in his bailiwick, he ſhould cauſe to be made —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings, then lately made by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* was convicted, as appeared to us of record; and that the ſaid ſheriff of —— ſhould have that money before us at *Weſtminſter*, on —— next after —— to render to the ſaid *A. B.* for his damages aforeſaid: And our ſaid ſheriff of —— at that day returned to us, that the ſaid *C. D.* had not any goods or chattels in his bailiwick, whereof he could cauſe to be made the damages aforeſaid, or any part thereof: Whereupon on the behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us at *Weſtminſter* aforeſaid, that the ſaid *C. D.* hath ſufficient goods and chattels in your bailiwick, whereof you may cauſe to be made the damages aforeſaid, and every part thereof: Therefore we command you, that of the goods and chattels of the ſaid *C. D.* in your bailiwick, you cauſe to be made the ſaid —— *l.* for the damages aforeſaid; and that you have that money before *Teſtatum fieri facias, in aſſumpſit.*

before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages aforeſaid; and have there then this writ. Witneſs, *&c.*

Entry of *fieri facias* and *teſtatum* on the roll.

Afterwards, that is to ſay, on the —— day of —— in this ſame term, the ſaid *A. B.* comes here into court, by his attorney aforeſaid, and prays the writ of the ſaid lord the king of *fieri facias*, to be directed to the ſheriff of ——, commanding him that of the goods and chattels of the ſaid *C. D.* in his bailiwick, he cauſe to be made the damages (or debt and damages) aforeſaid; and it is granted to him, returnable before the ſaid lord the king at *Weſtminſter*, on —— next after ——; the ſame day is given to the ſaid *A. B.* at the ſame place: At which day before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſheriff, to wit, —— ſheriff of the county aforeſaid, thereupon returns to the ſaid lord the king at *Weſtminſter* aforeſaid, that the ſaid *C. D.* hath not any goods or chattels in his bailiwick, whereof he can cauſe to be made the damages (or debt and damages) aforeſaid, or any part thereof: Whereupon on the behalf of the ſaid *A. B.* it is ſufficiently teſtified in the ſaid court of the ſaid lord the king before the king himſelf, that the ſaid *C. D.* hath ſufficient goods and chattels in the county of ——, whereof the ſheriff of that county may cauſe to be made the damages (or debt and damages) aforeſaid, and every part thereof: And thereupon the ſaid *A. B.* prays the writ of the ſaid lord the king of *teſtatum fieri facias*, to be directed to the ſheriff of the ſaid county of ——, commanding him that of the goods and chattels of the ſaid *C. D.*

C. D. in his bailiwick, he cauſe to be made the damages (or debt and damages) aforeſaid; and it is granted to him, returnable before the ſaid lord the king at *Weſtminſter*, on —— next after ——; the ſame day is given to the ſaid *A. B.* at the ſame place: At which day, before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſaid ſheriff of —— thereupon returns to the ſaid lord the king at *Weſtminſter* aforeſaid, that he hath cauſed to be made of the goods and chattels of the ſaid *C. D.* in his bailiwick, the ſum of —— *l.* which money he has paid to the ſaid *A. B.* in part ſatisfaction of the damages (or debt and damages) aforeſaid; and that the ſaid *C. D.* hath not any other or more goods or chattels in his bailiwick, whereof he can cauſe to be made the reſidue of the damages (or debt and damages) aforeſaid, or any part thereof.

Teſtatum fieri facias, into a county-palatine.

George the Third, *&c.* To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting; Whereas we lately commanded our ſheriff of —— that of the goods and chattels of *C. D.* in his bailiwick, he ſhould cauſe to be made, *&c.* (reciting the former writ to the end): And our ſaid ſheriff of —— at that day returned to us at *Weſtminſter* aforeſaid, that the ſaid *C. D.* had not any goods or chattels in his bailiwick, whereof he could cauſe to be made the damages (or debt and damages) aforeſaid, or any part thereof; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us at *Weſtminſter* aforeſaid, that the ſaid *C. D.* hath ſufficient goods and chattels in our

ſaid county-palatine, whereof the damages (or debt and damages) aforeſaid may be made: Therefore we command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of the ſame county, you command the ſaid ſheriff, that of the goods and chattels of the ſaid *C. D.* in his bailiwick, he cauſe to be made the damages (or debt and damages) aforeſaid, ſo that you may have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

The like, from a county-palatine.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas we lately commanded our chancellor of our county-palatine of *Lancaſter*, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of our ſaid county-palatine, he ſhould command the ſaid ſheriff, that of the goods and chattels of *C. D.* in his bailiwick, he ſhould cauſe to be made, *&c.* (reciting the former writ): And our ſaid chancellor of our ſaid county-palatine at that day returned to us, that by virtue of the ſaid writ to him directed, he had by another writ under the ſeal of our ſaid county-palatine duly made, and directed to the ſheriff of the ſame county, commanded the ſaid ſheriff, as by the ſaid firſt-mentioned writ he was commanded; which ſaid ſheriff, in anſwer to the ſaid writ to him directed, had returned to our ſaid chancellor, that the ſaid *C. D.* had no goods or chattels in his bailiwick, whereof he could cauſe to be made the damages (or debt and damages)

damages) aforeſaid, or any part thereof; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us at *Weſtminſter* aforeſaid, that the ſaid *C. D.* hath ſufficient goods and chattels in your bailiwick, whereof you may cauſe to be made the damages (or debt and damages) aforeſaid, and every part thereof: Therefore we command you, that of the goods and chattels of the ſaid *C. D.* in your bailiwick, you cauſe to be made the damages (or debt and damages) aforeſaid; and have that money, *&c.* and have there then this writ. Witneſs, *&c.*

The like, from one county-palatine to another.

George the Third, *&c.* To the reverend father in God —— by divine permiſſion, lord biſhop of *Durham*, or to his chancellor there, greeting: Whereas we lately commanded our chancellor of our county-palatine of *Lancaſter*, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of our ſaid county-palatine of *Lancaſter*, he ſhould command the ſame ſheriff, that he ſhould cauſe to be made, *&c.* (reciting the former writ): And our ſaid chancellor of our ſaid county-palatine of *Lancaſter* at that day returned to us, that by virtue of our ſaid writ to him directed, he had by another writ, *&c.* (as in the laſt); which ſaid ſheriff, in anſwer to the ſaid writ to him directed, had returned to our ſaid chancellor, that the ſaid *C. D.* had no goods or chattels in his bailiwick, whereof he could cauſe to be made the damages (or debt and damages) aforeſaid, or any part thereof; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us at *Weſt-*

minſter aforeſaid, that the ſaid *C. D.* hath ſufficient goods and chattels in your biſhoprick, whereof you may cauſe to be made the damages (or debt and damages) aforeſaid, and every part thereof: Therefore we command you, that by our writ under the ſeal of our ſaid biſhoprick to be duly made, and directed to the ſheriff of the county of *Durham*, you command the ſaid ſheriff, that of the goods and chattels of the ſaid *C. D.* in his bailiwick, he cauſe to be made the damages (or debt and damages) aforeſaid; and have that money, *&c.* and have there then this writ. Witneſs, *&c.*

Fieri facias for the reſidue, in *aſſumpſit.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, that of the goods and chattels of *C. D.* in your bailiwick, you ſhould cauſe to be made —— *l.* which *A. B.* then lately in our court before us at *Weſtminſter*, had recovered againſt *C. D.* for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings, then lately made by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* was convicted, as appeared to us of record; and that you ſhould have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages aforeſaid! And you at that day returned to us, that by virtue of the ſaid writ to you directed, you had cauſed to be made of the goods and chattels of the ſaid *C. D.* —— *l.*

parcel

parcel of the damages aforesaid, which money you had ready at the day and place in the said writ contained, as by the said writ you were commanded; and that the said *C. D.* had not any other or more goods or chattels in your bailiwick, whereof you could cause to be made the residue of the damages aforesaid, or any part thereof: Therefore we command you, that of the goods and chattels of the said *C. D.* in your bailiwick, you cause to be made —— *l.* residue of the damages aforesaid; and have that money before us at *Westminster*, on —— next after ——, to render to the said *A B.* for the residue of his damages aforesaid; and have there then this writ. Witness, *&c.*

George the Third, *&c.* To the sheriff of ——, greeting: Whereas we lately commanded you, that of the goods and chattels of *C. D.* in your bailiwick, you should cause to be made, *&c.* (to the end of the *fieri facias*): And you at that day returned to us at *Westminster*, that by virtue of the said writ to you directed, you had caused to be made of the goods and chattels of the said *C. D.* in your bailiwick, the sum of —— *l.* parcel of the debt and damages aforesaid, which money you had ready before us, at the day and place in the said writ contained, as by the said writ you were commanded; and that the said *C. D.* had not any other or more goods or chattels in your bailiwick, whereof you could cause to be made the residue of the debt and damages aforesaid, or any part thereof: Therefore we command you, that of the goods and chattels of the said *C. D.* in

The like, in debt.

your bailiwick, you cauſe to be made —— *l.* reſidue of the debt and damages aforeſaid; and have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for the reſidue of his debt and damages aforeſaid; and have there then this writ. Witneſs, *&c.*

Teſtatum fieri facias for the reſidue.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we lately commanded our ſheriff of ——, that of the goods and chattels, *&c.* (to the end of the *fieri facias*, and then as follows): And our ſaid ſheriff of —— at that day returned to us, that by virtue of the ſaid writ to him directed, he had cauſed to be made of the goods and chattels of the ſaid *C. D.* —— *l.* parcel of the damages (or debt and damages) aforeſaid, which money he had ready before us, at the day and place in the ſaid writ contained, as by the ſaid writ he was commanded; and that the ſaid *C. D.* had not any other or more goods or chattels in his bailiwick, whereof he could cauſe to be made the reſidue of the damages (or debt and damages) aforeſaid, or any part thereof: And becauſe it is ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* hath ſufficient goods and chattels in your bailiwick, whereof you may cauſe to be made the reſidue of the damages (or debt and damages) aforeſaid: Therefore we command you, that of the goods and chattels of the ſaid *C. D.* in your bailiwick, you cauſe to be made —— *l.* reſidue of the damages (or debt and damages) aforeſaid; and have that money before us at *Weſtminſter*, on —— next after

after ——, to render to the ſaid *A. B.* for the reſidue of his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

The like, where part had been levied upon a *teſtatum* to a former ſheriff.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we lately commanded our ſheriff of ——, that of the goods and chattels, *&c.* (here recite the firſt *fieri facias*): And our ſaid ſheriff of —— at that day returned to us, that the ſaid *C. D.* had not any goods or chattels in his bailiwick, whereof he could cauſe to be made the damages (or debt and damages) aforeſaid, or any part thereof: And thereupon, on behalf of the ſaid *A. B.* it was ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* had ſufficient goods and chattels in your county, whereof the damages (or debt and damages) aforeſaid might be fully made; whereupon, by our certain other writ, we commanded the then ſheriff of your ſaid county, that of the goods and chattels of the ſaid *C. D.* in his bailiwick, he ſhould cauſe to be made the damages (or debt and damages) aforeſaid; and that he ſhould have that money before us at *Weſtminſter*, on —— next after —— laſt paſt, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid: And the ſaid then ſheriff of your ſaid county on that day returned to us, that by virtue of the ſaid writ to him directed, he had cauſed to be made, *&c.* (as in the laſt): And now on behalf of the ſaid *A. B.* it is further ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* hath ſufficient goods and chattels in your bailiwick, whereof the reſidue of the damages (or debt and damages) aforeſaid

ſaid may be fully made: Therefore we command you, that of the goods and chattels of the ſaid *A. B.* in your bailiwick, you cauſe to be made —— *l.* reſidue of the damages (or debt and damages) aforeſaid; and have that money, *&c.*

The like, where the *teſtatum* iſſued into a county-palatine.

George the Third, *&c.* To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: Whereas by our writ we lately commanded our ſheriff of ——, that of the goods and chattels, *&c.* (reciting the firſt *fieri facias*): And our ſaid ſheriff of —— at that day returned to us, that the ſaid *C. D.* had no goods or chattels in his bailiwick, whereof he could cauſe to be made the damages (or debt and damages) aforeſaid, or any part thereof: And it was thereupon ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* had ſufficient goods and chattels in our ſaid county-palatine, whereof the damages (or debt and damages) aforeſaid might be fully made: Whereupon, by our writ of *teſtatum fieri facias*, we lately commanded our chancellor of our ſaid county-palatine, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of the ſaid county, he ſhould command the ſaid ſheriff, that of the goods and chattels of the ſaid *C. D.* in his bailiwick, he ſhould cauſe to be made the damages (or debt and damages) aforeſaid; and that the ſaid ſheriff ſhould have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid: And our ſaid chancellor of our ſaid county-palatine at that day returned to us, that

by

by virtue of the ſaid writ to him directed, he had by another writ under the ſeal of our ſaid county-palatine duly made, and directed to the ſheriff of the ſame county, commanded the ſaid ſheriff, as by the ſaid writ of *teſtatum fieri facias* he was commanded; which ſaid ſheriff, in anſwer to the ſaid laſt-mentioned writ, had returned to our ſaid chancellor, that by virtue of the ſaid writ to him directed, he had cauſed to be made, *&c.* (as in the two former writs): And now on behalf of the ſaid *A. B.* it is further ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* hath ſufficient goods and chattels in our ſaid county-palatine, whereof the reſidue of the damages (or debt and damages) aforeſaid may be fully made: Therefore we command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of the ſame county, you command the ſaid ſheriff, that of the goods and chattels of the ſaid *C. D.* in his bailiwick, he cauſe to be made —— *l.* reſidue of the damages (or debt and damages) aforeſaid; and that he have that money, *&c.*

Fieri facias de bonis eccleſiaſticis, in debt.

George the Third, *&c.* To the reverend father in God —— by divine permiſſion, lord biſhop of ——, greeting: We command you, that of the eccleſiaſtical goods of *C. D.* clerk, in your dioceſe, you cauſe to be made a certain debt of —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, and alſo —— *l.* which in our ſaid court before us at *Weſtminſter* aforeſaid, were adjudged to the

the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detention of the ſaid debt, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his debt and damages aforeſaid: And whereupon our ſheriff of —— returned to us at *Weſtminſter* aforeſaid, on —— next after —— in this ſame term, (or in —— term laſt paſt,) that the ſaid *C. D.* had not any goods or chattels, or any lay fee, in his bailiwick, whereof he could cauſe to be made the debt and damages aforeſaid, or any part thereof; and that the ſaid *C. D.* was a beneficed clerk, to wit, rector of the rectory (or vicar of the vicarage) and pariſh church of —— in the ſaid ſheriff's county, and within your dioceſe; and have there then this writ. Witneſs, *&c.*

Entry thereof.

The ſheriff was commanded, that of the goods and chattels of *C. D.* in his bailiwick, he ſhould cauſe to be made a certain debt of —— *l.* which *A. B.* lately in the court of the lord the king before the king himſelf here, recovered againſt him, and alſo —— *l.* which in the ſame court here were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detention of the ſaid debt, as for his coſts and charges by him about his ſuit in that behalf expended, whereof the ſaid *C. D.* was convicted; and that the ſaid ſheriff ſhould have that money before the ſaid lord the king here, on this day, that is to ſay, on —— next after ——, to ren-

der to the ſaid *A. B.* for his debt and damages aforeſaid: And now here at this day, comes the ſaid *A. B.* by —— his attorney; and the ſheriff now here returns, that the ſaid *C. D.* hath no goods or chattels, nor any lay fee in his bailiwick, whereof he can cauſe to be made the debt and damages aforeſaid, or any part thereof; and that the ſaid *C. D.* is a beneficed clerk, to wit, rector of the rectory (or vicar of the vicarage) and pariſh church of —— in the ſaid ſheriff's county, and within the dioceſe of ——: Therefore it is commanded to the reverend father in God —— by divine permiſſion, lord biſhop of ——, that of the eccleſiaſtical goods of the ſaid *C. D.* in his dioceſe, he cauſe to be made the debt and damages aforeſaid; and that he have that money here, on —— next after —— to render to the ſaid *A. B.* for his debt and damages aforeſaid, *&c.*

Sequeſtrari facias.

George the Third, *&c.* To the right reverend father in God —— by divine permiſſion, lord biſhop of ——, greeting: Whereas we lately commanded our ſheriff of ——, that he ſhould cauſe to be made, *&c.* (reciting the former writ): And whereupon our ſaid ſheriff of —— on that day returned to us at *Weſtminſter*, that the ſaid *C. D.* was a beneficed clerk, to wit, rector of the rectory and pariſh church of —— in the county of ——, and in your dioceſe, and had not any goods or chattels in his bailiwick, whereof he could cauſe to be made the ſaid debt and damages, or any part thereof: Therefore we command you, that you enter into the ſaid rectory and pariſh church of —— and take and ſequeſter the ſame into your poſſeſſion, and that you hold the ſame in your poſſeſ-

ſion,

ſion, until you ſhall have levied the ſaid debt and damages, of the rents, tithes, oblations, obventions, fruits, iſſues and profits thereof, and other eccleſiaſtical goods of the ſaid *C. D.* in your dioceſe, to render to the ſaid *A. B.* for the debt and damages aforeſaid; whereof the ſaid *C. D.* is convicted: And what you ſhall do therein, make appear to us at *Weſtminſter*, on —— next after ——; and have there then this writ. Witneſs, *&c.*

Teſtatum fieri facias for the reſidue, *de bonis eccleſiaſticis.*

George the Third, *&c.* To the reverend father in God —— by divine permiſſion, lord biſhop of ——, greeting: Whereas by our writ we lately commanded you, that of the eccleſiaſtical goods of *C. D.* clerk, in your dioceſe, you ſhould cauſe to be made a certain debt of —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, and alſo —— *l.* which in our ſaid court before us at *Weſtminſter* aforeſaid, were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detention of the ſaid debt, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* was convicted, as appeared to us of record; and that you ſhould have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his debt and damages aforeſaid: And whereupon our ſheriff of —— had then lately returned to us at *Weſtminſter* aforeſaid, that the ſaid *C. D.* had no goods or chattels, nor any lay fee, in his bailiwick, whereof he could cauſe to be made the debt and damages aforeſaid, or any part thereof; and that the ſaid *C. D.* was a beneficed clerk, to wit, rector of the

rectory

rectory (or vicar of the vicarage) and pariſh church of —— in the ſaid ſheriff's county, and within your dioceſe: And you at that day returned to us, that by virtue of the ſaid writ to you directed, you had cauſed to be made of the eccleſiaſtical goods of the ſaid *C. D.* in your dioceſe —— *l.* parcel of the debt and damages aforeſaid; and that the ſaid *C. D.* had no eccleſiaſtical goods in your ſaid dioceſe, whereof the reſidue of the debt and damages aforeſaid, or any part thereof, could be made: Therefore we command you, that of the eccleſiaſtical goods of the ſaid *C. D.* in your dioceſe, you cauſe to be made —— *l.* reſidue of the debt and damages aforeſaid; and that you have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for the reſidue of his debt and damages aforeſaid; and have there then this writ. Witneſs, *&c.*

Fieri facias to the archbiſhop, *de bonis eccleſiaſticis*, during the vacancy of a biſhop's ſee.

George the Third, *&c.* To the right reverend father in God —— by divine providence, archbiſhop of *Canterbury*, primate of all *England*, and metropolitan, greeting: We command you, that of the eccleſiaſtical goods of *C. D.* clerk, in the dioceſe of —— which is within the province of *Canterbury*, as ordinary of that church, the epiſcopal ſee of —— now being vacant, you cauſe to be made, *&c.*

Sequeſtration.

—— by divine permiſſion, biſhop of —— To our well-beloved in *Chriſt*, *E. F.* of, *&c.* greeting: Whereas we have with all due reverence, lately received his majeſty's writ hereafter ſet forth, iſſuing out of his ſaid majeſty's court of King's Bench, in the words following, to wit: *George* the Third, *&c.*

(here

(here copy the *fieri facias de bonis ecclesiasticis* to the end, and then proceed as follows:) On which said writ, there was and is a certain indorsement in writing, directing us to levy —— *l.* and the yearly payment of —— *l.* besides all expences of sequestration and levy: We therefore, proceeding by virtue of and in obedience to the said writ, and inasmuch as in us lies duly executing the same, have sequestrated all and singular the tithes, fruits, profits, oblations, obventions, and all other ecclesiastical rights and emoluments of and belonging to the rectory (or vicarage) and parish church of —— in the county of —— and diocese of ——, of which the said *C. D.* mentioned in the said writ, is the present rector (or vicar), and by these presents do sequester the same, and give and grant unto you the said *E. F.* full power and authority to sequestrate, collect, levy, gather and receive all and singular the tithes, fruits, profits, oblations, obventions, and all other ecclesiastical rights and emoluments of and belonging to the rectory (or vicarage) and parish church of —— aforesaid, and the same to sell and dispose of, and the money arising therefrom to apply to and for the due payment of the debt and costs in the said writ mentioned, subject to the said indorsement on the said writ, and also subject to a decree made and interposed by us, on the —— day of —— in the year of our Lord 179-, in a certain cause or business depending before us in judgment against the said *C. D.* that the said fruits, profits and emoluments whatsoever of the said rectory (or vicarage) and parish church of —— should be sequestrated for and during the space of three years, to the end that the said

parish

pariſh church and cure of ſouls within the ſame might be duly ſupplied with the performance of divine ſervice, and that the parſonage-houſe, together with the other buildings and fences on the premiſes, might be put and kept in ſubſtantial repair, and that all duties and impoſitions incumbent on the ſaid rectory (or vicarage), might be diſcharged, and ſubject alſo to the execution of the ſame decree; and alſo to publiſh or cauſe to be publiſhed this our preſent ſequeſtration, in the pariſh church of —— aforeſaid, during the celebration of divine ſervice therein, and in ſuch fit terms, and in ſuch fit places, as to you ſhall ſeem moſt proper and expedient: hereby requiring you to take care and provide, that during this our preſent ſequeſtration, the cure of ſouls within the ſaid pariſh of —— be well, duly and canonically ſupplied with the performance of divine ſervice, by ſome fit and able miniſter, to be approved of or nominated by us or our ſucceſſors, if occaſion ſhall require, and that the ſaid parſonage-houſe, together with the other buildings and fences on the premiſes, may be repaired and kept and continued in ſubſtantial repair, and all tenths, ſubſidies, procurations, ſynodals, and all other impoſitions, both ordinary and extraordinary whatſoever, incumbent on and payable out of the ſaid rectory (or vicarage) be well and duly ſatisfied, anſwered and paid, during the continuance of this our preſent ſequeſtration; and laſtly, that you make and render before us, or our vicar-general and official principal, or other competent judge in this behalf, a true juſt and faithful account of and upon your receipts and diſburſements in your office of ſequeſtrator, when

when and at ſuch time or times as you ſhall be thereunto lawfully required: In witneſs whereof, we have cauſed the ſeal of office of the worſhipful —— doctor of laws, our vicar-general and official principal, which we uſe in this behalf, to be affixed to theſe preſents. Dated at —— the —— day of —— in the year of our Lord 179- and in the —— year of our tranſlation.

Fieri facias againſt an executor or adminiſtrator *de bonis propriis*, after a return of *devaſtavit*.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas we lately commanded you, that of the goods and chattels which were of *E. F.* deceaſed at the time of his death, in the hands of *C. D.* executor of the laſt will and teſtament of the ſaid *E. F.* (or adminiſtrator of all and ſingular the goods chattels and credits which were of the ſaid *E. F.* at the time of his death, who died inteſtate) to be adminiſtered, in your bailiwick, you ſhould cauſe to be made, *&c.* (reciting the *fieri facias de bonis teſtatoris*, &c.) And you at that day returned to us, that the ſaid *C. D.* had no goods or chattels, which were of the ſaid *E. F.* &c. (reciting the ſheriff's return): Therefore we command you, that of the proper goods and chattels of the ſaid *C. D.* in your bailiwick, you cauſe to be made the ſaid ——*l.* and have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

George

George the Third, &c. To the ſheriff of ——, greeting: Whereas we lately commanded our ſheriff of ——, that of the goods and chattels, &c. (reciting the firſt writ of *fieri facias de bonis teſtatoris*, &c.) And our ſaid ſheriff of —— at that day returned to us at *Weſtminſter* aforeſaid, that the ſaid *C. D.* had no goods or chattels, &c. (reciting the ſheriff's return of *nulla bona*, for which *vide ante*, p. 318.) Whereupon on behalf of the ſaid *A. B.* it was ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* had ſufficient goods and chattels, which were of the ſaid *E. F.* at the time of his death, in the hands of him the ſaid *C. D.* to be adminiſtered, in your bailiwick, whereof you might cauſe to be made the damages (or debt and damages) aforeſaid: And we therefore commanded you, that of the goods and chattels, &c. (reciting the *teſtatum fieri facias de bonis teſtateris*, &c.) And you at that day returned to us, &c. (reciting the return of *devaſtavit*, for which *vide ante*, p. 318.) Therefore we command you, that of the proper goods and chattels of the ſaid *C. D.* in your bailiwick, you cauſe to be made the damages (or debt and damages) aforeſaid; and have that money, &c.

The like, after a *devaſtavit* returned on a *teſtatum fieri facias*.

Venditioni exponas.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, that of the goods and chattels, *&c.* (here recite the *fieri facias* to the end): And you at that day returned to us at *Weſtminſter* aforeſaid, that by virtue of the ſaid writ to you directed, you had taken goods and chattels of the ſaid *C. D.* to the value of the damages (or debt and damages) aforeſaid; which ſaid goods and chattels remained in your hands unſold, for want of buyers: Therefore we being deſirous that the ſaid *A. B.* ſhould be ſatisfied his damages (or debt and damages) aforeſaid, command you, that you ſell or cauſe to be ſold the goods and chattels of the ſaid *C. D.* by you in form aforeſaid taken, and every part thereof, for the beſt price that can be got for the ſame, and at leaſt for the damages (or debt and damages) aforeſaid: And have the money ariſing from ſuch ſale, before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

The like for part, and *fieri facias* for the reſidue.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, that of the goods and chattels, *&c.* (reciting the *fieri facias*): And you at that day returned to us at *Weſtminſter* aforeſaid, that by virtue of the ſaid writ to you directed, you had taken goods and chattels of the ſaid *C. D.* to the value of —— *l.*, parcel of the damages (or debt and damages) aforeſaid; which ſaid goods and chattels remained in your hands unſold, for want of buyers, and therefore that you could not

have that money before us at *Weſtminſter*, at the day aforeſaid; and that the ſaid *C. D.* had no other or more goods or chattels in your bailiwick, whereof you could cauſe to be made the reſidue of the damages (or debt and damages) aforeſaid, or any part thereof, as by the ſaid writ you were commanded: Therefore we command you, that you expoſe to ſale the goods and chattels of the ſaid *C. D.* by you in form aforeſaid taken; and have the ſaid —— *l.* parcel, *&c.* before us at *Weſtminſter*, on —— next after ——; to render to the ſaid *A. B.* for ſo much of the damages (or debt and damages) aforeſaid: We alſo command you, that of the goods and chattels of the ſaid *C. D.* in your bailiwick, you cauſe to be made —— *l.* reſidue of the damages (or debt and damages) aforeſaid; and have that money, together with the ſaid —— *l.* parcel, *&c.* before us, at the day and place aforeſaid, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

Entry of *venditioni exponas* and return, and award of *fieri facias* for the reſidue.

The ſheriff was commanded, that of the goods and chattels of *C. D.* in his bailiwick, he ſhould cauſe to be made —— *l.* and that he ſhould have that money before the lord the king at *Weſtminſter*, on —— next after —— to render to *A. B.* for his damages, (or debt and damages,) *&c.* (as in a *fieri facias*): At which day before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſheriff returns, that by virtue of the writ of the ſaid lord the king to him thereupon directed, he hath taken goods and chattels of the ſaid *C. D.* to the value of —— *l.* which remain in the

hands of the ſaid ſheriff unſold, for want of buyers, wherefore he cannot have the ſaid money before the ſaid lord the king at *Weſtminſter*, on the day aforeſaid; and that the ſaid *C. D.* hath no other goods or chattels in the bailiwick of the ſaid ſheriff, whereof he can cauſe to be made any more of the money in the ſaid writ contained: Therefore the ſheriff is commanded, that he expoſe to ſale the goods and chattels aforeſaid, by him in form aforeſaid taken; and that he have the money ariſing from ſuch ſale, before the ſaid lord the king at *Weſtminſter*, on —— next after —— to render to the ſaid *A. B.* &c. The ſaid ſheriff is alſo commanded, that of the goods and chattels of the ſaid *C. D.* in his bailiwick, he cauſe to be made —— *l.* reſidue of the damages (or debt and damages) aforeſaid; and that he have that money before the ſaid lord the king at *Weſtminſter*, on the day aforeſaid, to render to the ſaid *A. B.* for his damages aforeſaid; the ſame day is given to the ſaid *A. B.* there, *&c.*

Diſtringas ſuper vicecomitem, to expoſe to ſale goods taken on a *fieri facias* in *aſſumpſit*.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you diſtrain *E. F.* late ſheriff of your county, by all his lands and chattels in your bailiwick, ſo that neither he, nor any one by him, do lay hands on the ſame, until you have another command from us in that behalf, and that you anſwer to us for the iſſues of the ſame; ſo that he expoſe to ſale thoſe goods and chattels which were of *C. D.* in your bailiwick, to the value of —— *l.* which lately in our court before us were adjudged to *A. B.* for his damages which he had ſuſtained, as well on occaſion of not performing certain

tain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended, whereof the ſaid *C. D.* is convicted, as appears to us of record; and which goods and chattels he lately took by virtue of our writ, and which remain in his hands unſold for want of buyers, as the ſaid late ſheriff returned to us at *Weſtminſter*, at the return-day of the writ aforeſaid; and have that money before us at *Weſtminſter*, on —— next after —— to render to the ſaid *A. B.* for his damages aforeſaid; and have there then this writ. Witneſs, *&c.*

The like for part in debt, and *ſci facias* for the reſidue.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you diſtrain *E. F.* &c. (as in laſt writ to the words, "iſſues of the ſame," and then as follows:) ſo that he expoſe to ſale thoſe goods and chattels which were of *C. D.* in your bailiwick, to the value of —— *l.* parcel of a certain debt of —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, and alſo —— *l.* which in our ſaid court were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detention of the ſaid debt, as for his coſts and charges by him about his ſuit in that behalf expended, whereof the ſaid *C. D.* is convicted, as appears to us of record; and which goods and chattels he lately took by virtue of our writ, and which remain in his hands unſold for want of buyers, as the ſaid late ſheriff returned to us at *Weſtminſter*, on, *&c.* laſt paſt; and have that money before us at *Weſtminſter*, on —— next after —— to render to the ſaid *A. B.* for

ſo much of his debt and damages aforeſaid: We alſo command you, that of the goods and chattels of the ſaid *C. D.* in your bailiwick, you cauſe to be made ——*l.* reſidue of the debt and damages aforeſaid; and have that money before us at *Weſtminſter*, on the day laſt aforeſaid, to render to the ſaid *A. B.* for the reſidue of his debt and damages aforeſaid; and have there then this writ. Witneſs, *&c.*

Retorno habendo in replevin, on a *non-pros* for want of a declaration.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* was ſummoned to be in our court before us, to anſwer *A. B.* of a plea wherefore he took the cattle goods and chattels of the ſaid *A. B.* and unjuſtly detained them againſt ſureties and pledges, as it is ſaid: And the ſaid *A. B.* afterwards in our ſame court before us made default; wherefore it was conſidered in our ſame court, that he and his pledges to proſecute ſhould be in mercy, *&c.* and that the ſaid *C. D.* ſhould go thereof without day, *&c.* and that he ſhould have a return of the ſaid cattle goods and chattels: Therefore we command you, that without delay you cauſe the ſaid cattle goods and chattels to be returned to the ſaid *C. D.* and that you do not deliver them on the complaint of the ſaid *A. B.* without our writ, which makes expreſs mention of the judgment aforeſaid; and in what manner you ſhall execute this our writ, make appear to us on ——, wherefoever we ſhall then be in *England*; and have there this writ. Witneſs, *&c.*

—— to wit. *C. D.* by his attorney offered himſelf on the fourth day againſt *A. B.* of a plea wherefore he the ſaid *C. D.* took the cattle goods and chattels of the ſaid *A. B.* and unjuſtly detained them againſt ſureties and pledges, *&c.* And the ſaid *A. B.* being ſolemnly called, came not; and was the plaintiff, *&c.*: Therefore it is conſidered, that he and his pledges to proſecute be thereupon in mercy, *&c.* and that the ſaid *C. D.* go thereof without day, *&c.* and that he have a return of the ſaid cattle goods and chattels, *&c.* and let the names of the pledges be inquired, *&c.* and in what manner, *&c.* let the ſheriff make appear to the lord the king, on ——, wherefoever, *&c.* Entry thereof.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* was ſummoned to be in our court before us, to anſwer *A. B.* in a plea wherefore the ſaid *C. D.* on the —— day of —— in the year of our lord 179-, at the pariſh of —— in the county of ——, in a certain place there called ——, took the cattle goods and chattels of him the ſaid *A. B.* to wit, *&c.* (here ſet out the cattle and goods, as in the declaration,) and unjuſtly detained the ſame againſt ſureties and pledges until, *&c.* as it was ſaid: And the ſaid *C. D.* appearing in our ſaid court before us, for certain cauſes by him alledged in our ſame court, as bailiff of *E. F.* well acknowledged the taking of the ſaid cattle goods and chattels, in the ſaid place in which, *&c.* and juſtly, *&c.* for damage there done (or for certain arrears of rent, to wit, for the ſum of —— *l.* due and in arrear from the ſaid *A. B.* to the ſaid *C. D.* for the ſaid The like, on a *non-pros* for want of a plea in bar.

place in which, &c. with the appurtenances, held and enjoyed under and by virtue of a certain demiſe thereof, made by the ſaid *C. D.* for the ſpace of —— next before and ending on the —— day of —— in the year of our Lord 179-:) Whereupon the ſaid *A. B.* being afterwards ſolemnly called in our ſaid court before us, came not, nor did he further proſecute his writ aforeſaid: Wherefore it was conſidered in our ſaid court before us at *Weſtminſter*, that the ſaid *A. B.* ſhould take nothing by his writ aforeſaid, but that he and his pledges to proſecute ſhould be in mercy, &c. and that the ſaid *C. D.* ſhould go thereof without day, &c. and that he ſhould have a return of the ſaid cattle goods and chattels: Therefore we command you, that without delay you cauſe the ſaid cattle goods and chattels to be returned to the ſaid *C. D.* and that you do not deliver them on the complaint of the ſaid *A. B.* without our writ, which makes expreſs mention of the judgment aforeſaid; and in what manner you ſhall have executed this our writ, make appear to us on —— whereſoever, &c; and have there this writ. Witneſs, &c.

The like, and writ of inquiry of damages.

George the Third, &c. To the ſheriff of ——, greeting: Whereas *C. D.* was ſummoned to be in our court before us, &c. (as in the laſt, to the end of the judgment for a return, and then as follows:) and alſo that the ſaid *C. D.* ought to recover againſt the ſaid *A. B.* his damages on occaſion of the premiſes, according to the form of the ſtatute in ſuch caſe made and provided: Therefore we command you, that without delay you cauſe the ſaid cattle goods and chattels to be returned to the ſaid *C. D.* &c.

&c. (as in the laſt, to "whereſoever, *&c.*"); and alſo that by the oath of honeſt and lawful men of your county, you diligently inquire what damages the ſaid *C. D.* hath ſuſtained, as well on occaſion of the premiſes, as for his coſts and charges by him about his ſuit in this behalf expended; and the inquiſition which you ſhall thereupon take, make appear to us at the aforeſaid time, whereſoever, *&c.* under your ſeal, and the ſeals of thoſe by whoſe oath you ſhall take that inquiſition; and have there the names of them by whoſe oath you ſhall take that inquiſition, and this writ. Witneſs, &c.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, (or by original, by our writ,) and by the judgment of the ſame court, recovered againſt *C. D.* —— *l.*, which in our ſaid court before us were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* (or if in debt, "recovered againſt the ſaid *C. D.* a certain debt of —— *l.* and alſo ——, which in our ſame court were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detention of the ſaid debt,") as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And afterwards, *Elegit.*

wards, the ſaid *A. B.* came into our court before us, and according to the form of the ſtatute in ſuch caſe made and provided, choſe to be delivered to him all the goods and chattels of the ſaid *C. D.* except the oxen and beaſts of his plough, and alſo a moiety of all the lands and tenements of the ſaid *C. D.* in your bailiwick; to hold to him the ſaid goods and chattels, as his proper goods and chattels, and to hold a moiety of the lands and tenements aforeſaid to him and his aſſigns, as his freehold, according to the form of the ſaid ſtatute, until the damages (or debt and damages) aforeſaid ſhould be thereof fully levied: Therefore we command you, that without delay you cauſe to be delivered to the ſaid *A. B.* by a reaſonable price and extent, all the goods and chattels of the ſaid *C. D.* in your bailiwick, except the oxen and beaſts of his plough, and alſo a moiety of all the lands and tenements in your bailiwick, whereof the ſaid *C. D.* or any perſon or perſons in truſt for him, on the —— day of —— in the —— year of our reign, (the day of ſigning judgment,) on which day the judgment aforeſaid was given, or ever afterwards, was ſeized; to hold the ſaid goods and chattels to the ſaid *A. B.* as his proper goods and chattels, and alſo to hold the ſaid moiety of the lands and tenements aforeſaid to him and his aſſigns, as his freehold, according to the form of the ſtatute aforeſaid, until the damages (or debt and damages) aforeſaid ſhall be thereof fully levied; and in what manner you ſhall have executed this our writ, make appear to us at *Weſtminſter*, on —— next after —— under your ſeal, and the ſeals of thoſe

thoſe by whoſe oath you ſhall make the ſaid extent and appraiſement; and have there then this writ. Witneſs, *&c.*

—— to wit. An inquiſition indented, taken at —— in the county of ——, the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, *&c.* and in the year of our Lord 179-, before me —— ſheriff of the county aforeſaid, by virtue of his majeſty's writ to me directed, and to this inquiſition annexed, by the oath of *E. F.* &c. twelve honeſt and lawful men of the county aforeſaid, who being ſworn and charged, ſay upon their oath that *C. D.* named in the ſaid writ to this inquiſition annexed, on the day of taking this inquiſition, was poſſeſſed of the goods and chattels following, to wit, —— of the price of ——, *&c.* (here ſet out the goods, and the price or value of them,) as of his own proper goods and chattels; which ſaid goods and chattels I the ſaid ſheriff have cauſed to be delivered to the ſaid *A. B.* to hold to him the ſaid goods and chattels, as his own proper goods and chattels, in part ſatisfaction of his damages (or debt and damages) in the ſaid writ mentioned: And the jurors aforeſaid upon their oath further ſay, that the ſaid *C. D.* on the —— day of —— in the —— year of his ſaid majeſty's reign, being the day on which the judgment in the ſaid writ ſpecified was given, was ſeized in his demeſne as of fee of and in one meſſuage, and one cloſe of paſture thereto adjoining, with the appurtenances, containing by eſtimation

Inquiſition thereon.

mation —— acres more or leſs, ſituate lying and being in the pariſh of —— in the county aforeſaid, and now or late in the tenure or occupation of ——, and being of the clear yearly value of —— *l.* in all iſſues, beyond repriſes; and alſo of and in one other cloſe, *&c.* and (if the premiſes are in mortgage, ſay) which ſaid premiſes are ſubject to a mortgage made thereof by the ſaid *C. D.* to one *E. F.* of, &c. by indenture bearing date, *&c.* for the term of —— years, at the yearly rent of one pepper-corn, ſubject to redemption, on payment of —— *l.* and intereſt at 5 *l. per cent. per annum*, at a day ſince paſt: And the jurors aforeſaid upon their oath aforeſaid further ſay, that the ſaid meſſuage, *&c.* (deſcribing a moiety of the premiſes,) ſubject as aforeſaid, are a true and equal moiety of all and ſingular the lands and tenements of the ſaid *C. D.* in the ſaid writ named, or any perſon or perſons in truſt for him, in my county; which ſaid moiety I the ſaid ſheriff, on the aforeſaid day of taking this inquiſition, have cauſed to be delivered to the ſaid *A. B.* in the ſaid writ named, ſubject as aforeſaid, by a reaſonable price and extent; to hold to him and his aſſigns, as his free tenement, according to the form of the ſtatute in ſuch caſe made and provided, until he ſhall have thereof fully levied the ſaid damages (or debt and damages) in the ſaid writ ſpecified, as by the ſaid writ it is commanded: And laſtly, the jurors aforeſaid upon their oath aforeſaid ſay, that the ſaid *C. D.* in the ſaid writ named, on the aforeſaid day of taking this inquiſition, had not any other or more goods or chattels in my bailiwick; nor had he, or any perſon or perſons in truſt for him, on the day the judgment

aforeſaid

aforeſaid was given, or at any time afterwards, any other, or more lands or tenements in the county aforeſaid, to the knowledge of the ſaid jurors. In witneſs whereof, as well I the ſaid ſheriff, as the jurors aforeſaid, have ſet our ſeals to this inquiſition, on the day and year, and at the place aforeſaid.

Award of *elegit* on the roll.

Afterwards, that is to ſay, on —— next after —— then next following, before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid, and according to the form of the ſtatute in ſuch caſe made and provided, chooſes to be delivered to him all the goods and chattels of the ſaid *C. D.* except the oxen and beaſts of his plough, and alſo a moiety of all the lands and tenements of the ſaid *C. D.* to hold to him the goods and chattels aforeſaid, as his proper goods and chattels, and to hold a moiety of the lands and tenements aforeſaid to him and his aſſigns, as his freehold, according to the form of the ſtatute aforeſaid, until the damages (or debt and damages) aforeſaid ſhall be thereof fully levied; and he prays the writ of the ſaid lord the king thereupon, to be directed to the ſheriff of ——, and it is granted to him, *&c.* returnable before the ſaid lord the king at *Weſtminſter*, on —— next after ——; the ſame day is given to the ſaid *A. B.* there, *&c.* At which day, before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſheriff, to wit, —— eſquire, ſheriff of the county aforeſaid, now here returns the writ aforeſaid to him in form aforeſaid directed, in all things ſerved and executed,

together with a certain inquiſition to the ſaid writ annexed, taken before the ſaid ſheriff in the premiſes, by virtue of the ſaid writ; which ſaid inquiſition follows in theſe words, that is to ſay: —— to wit. An inquiſition, &c. (here copy the inquiſition.)

Re-elegit.

George the Third, &c. To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, &c. (reciting the firſt writ.) And you on that day returned to us at *Weſtminſter*, a certain inquiſition indented, taken before you at —— —— on the —— day of —— laſt paſt, by the oath, &c. whereby it is found, &c. (reciting the return.) And becauſe we are now given to underſtand, in our ſaid court before us, that the ſaid *C. D.* at the time of giving the judgment aforeſaid and afterwards had, and ſtill hath divers other lands and tenements in your county, beſides thoſe which are mentioned in the return above ſet-forth, one moiety of which ſaid other lands and tenements the ſaid *A. B.* ought alſo to have in execution, for the more ſpeedy recovery of his damages (or debt and damages) aforeſaid; wherefore the ſaid *A. B.* hath humbly beſought us, that he may ſo have them, according to due courſe of law: Therefore we command you, that you cauſe to be delivered to the ſaid *A. B.* in the preſence of the ſaid *C. D.* to be warned on that occaſion if he will attend, a moiety of all the other lands and tenements of the ſaid *C. D.* in your bailiwick, as well as of thoſe whereof a moiety is before extended in execution, for the payment of the damages (or debt and damages) aforeſaid; to hold to the ſaid *A. B.* and his aſſigns, as his freehold, according

cording to the form of the ſtatute aforeſaid, until the damages (or debt and damages) aforeſaid ſhall be thereof fully levied: And in what manner you ſhall execute this our writ, *&c.*

Elegit for the reſidue, after a *fieri facias*.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, (or by original, by our writ,) and by the judgment of the ſame court, recovered, *&c.* (as in a common *elegit*, to the words, "as appears to us of record,") and whereupon by our writ we lately commanded you, that of the goods and chattels, *&c.* (reciting the *fieri facias.*) And you at that day returned, *&c.* (reciting the return:) And afterwards, the ſaid *A. B.* came into our court before us, and choſe to be delivered to him all the goods and chattels of the ſaid *C. D.* in your bailiwick, except the oxen and beaſts of his plough, and alſo a moiety of all the lands and tenements of the ſaid *C. D.* in your bailiwick, by a reaſonable price and extent; to hold to him and his aſſigns, according to the form of the ſtatute in ſuch caſe made and provided, until —— *l.* reſidue of the damages (or debt and damages) aforeſaid, ſhould be thereof fully levied: Therefore we command you, *&c.* (as in a common *elegit*, to the words "according to the form of the ſtatute aforeſaid,") until the ſaid —— *l.* reſidue of the damages (or debt and damages) aforeſaid, ſhall be thereof fully levied; and in what manner you ſhall have executed this our writ, *&c.*

Habere facias poſſeſſionem in ejectment.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, (or if by original, by our writ,) and by the judgment of the ſame court, recovered againſt *C. D.* his term then and yet to come of and in two dwelling-houſes, *&c.* (as in the declaration in ejectment,) with the appurtenances, ſituate lying and being in the pariſh of —— in your county, which *E. F.* on the —— day of —— in the —— year of our reign, had demiſed to the ſaid *A. B.* to hold the ſame to the ſaid *A. B.* and his aſſigns, from the —— day of —— then laſt paſt, for and during and unto the full end and term of —— years from thence next enſuing, and fully to be complete and ended; by virtue of which ſaid demiſe the ſaid *A. B.* entered into the ſaid tenements with the appurtenances, and was poſſeſſed thereof, until the ſaid *C. D.* afterwards, to wit, on the —— day of —— in the —— year aforeſaid, with force and arms, *&c.* entered into the ſaid tenements with the appurtenances, which the ſaid *E. F.* had demiſed to the ſaid *A. B.* in manner and for the term aforeſaid, which was not then nor is yet expired, and ejected the ſaid *A. B.* from his ſaid farm; whereof the ſaid *C. D.* is convicted, as appears to us of record: Therefore we command you, that without delay you cauſe the ſaid *A. B.* to have the poſſeſſion of his ſaid term yet to come of and in the tenements aforeſaid with the appurtenances; and in what manner you ſhall have executed this our writ, make appear to us at *Weſtminſter*, on —— next after —— and have there then this writ. Witneſs, *&c.*

George

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ (or by original, by our writ,) and by the judgment of the ſame court, recovered againſt *C. D.* his term then and yet to come of and in two dwelling-houſes, *&c.* (as in the declaration in ejectment) with the appurtenances, ſituate lying and being in the pariſh of —— in your county, which *E. F.* on the —— day of —— in the —— year of our reign, had demiſed to the ſaid *A. B.* to hold the ſame to the ſaid *A. B.* and his aſſigns, from the —— day of —— in the —— year aforeſaid, for and during and unto the full end and term of —— years, from thence next enſuing, and fully to be complete and ended; and alſo his term then and yet to come of and in two other dwelling-houſes, *&c.* with the appurtenances, which *G. H.* on the —— day of —— in the —— year aforeſaid, had demiſed to the ſaid *A. B.* to hold the ſame to the ſaid *A. B.* and his aſſigns, from the —— day of —— in the —— year aforeſaid, for and during and until the full end and term of —— years from thence next enſuing, and fully to be complete and ended; by virtue of which ſaid ſeveral demiſes, the ſaid *A. B.* entered into the ſaid ſeveral tenements with the appurtenances, and was poſſeſſed thereof, until the ſaid *C. D.* afterwards, to wit, on the —— day of —— in the —— year aforeſaid, with force and arms, *&c.* entered into the ſaid ſeveral tenements with the appurtenances, which the ſaid *E. F.* and *G. H.* had reſpectively demiſed to the ſaid *A. B.* in manner and for the ſeveral terms aforeſaid, which were not then nor are yet

The like, on a double demiſe.

yet expired, and ejected the ſaid *A. B.* from his ſaid ſeveral farms; whereof the ſaid *C. D.* is convicted, as appears to us of record: Therefore we command you, that without delay you cauſe the ſaid *A. B.* to have the poſſeſſion of his ſaid ſeveral terms yet to come of and in the ſaid ſeveral tenements with the appurtenances; and in what manner you ſhall have executed this our writ, make appear to us at *Weſtminſter*, on —— next after——; and have there then this writ. Witneſs, *&c.*

The like, to a county-palatine.

George the Third, *&c.* To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: Whereas, *&c.* (as in the laſt writ, to the words "as appears to us of record," then as follows:) Therefore we command you, that by our writ under the ſeal of our ſaid county-palatine, to be duly made, and directed to the ſheriff of the ſame county, you command the ſaid ſheriff, that without delay he cauſe the ſaid *A. B.* to have the poſſeſſion of his ſeveral terms aforeſaid, yet to come of and in the ſeveral tenements aforeſaid with the appurtenances; and in what manner the ſaid ſheriff ſhall execute our ſaid writ, let him certify to you, ſo that you may make the ſame known to us at *Weſtminſter*, on —— next after ——; and have there then this writ. Witneſs, *&c.*

The like, and *fieri facias* for coſts.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas, *&c.* (as in the *habere facias*, to the return-day, then proceed as follows:) We alſo command you, that of the goods and chattels of the ſaid *C. D.* in your bailiwick, you cauſe to be made

—— *l.*

—— *l.* which the ſaid *A. B.* lately in our ſaid court before us at *Weſtminſter* aforeſaid, recovered againſt the ſaid *C. D.* for his damages which he had ſuſtained, as well on occaſion of the treſpaſs and ejectment aforeſaid, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is alſo convicted, as appears to us of record; and have you the ſaid monies before us at *Weſtminſter*, on the return-day aforeſaid, to render to the ſaid *A. B.* for his damages aforeſaid; and have there then this writ. Witneſs, *&c.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas, *&c.* (as in the *habere facias poſſeſſionem*, to the return-day, and then as follows:) We alſo command you, that you take the ſaid *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on the return-day aforeſaid, to ſatisfy the ſaid *A. B.* —— *l.* which, in our ſaid court before us at *Weſtminſter* aforeſaid, were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the treſpaſs and ejectment aforeſaid, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is alſo convicted, as appears to us of record; and have there then this writ. Witneſs, *&c.*

The like, and *capias ad ſatisfaciendum* for coſts.

Extent againſt an heir, upon a ſpecial judgment.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ (or by original, by our writ), and by the judgment of the ſame court, recovered againſt *C. D.* ſon and heir of *E. F.* deceaſed, a certain debt of —— *l.* and alſo —— *l.* which in our ſaid court before us were adjudged to the ſaid *A. B.* for his damages, *&c.* to be levied of the lands and tenements which were of the ſaid *E. F.* in fee-ſimple at the time of his death, in the hands of the ſaid *C. D.* whereof the ſaid *C. D.* is convicted, as appears to us of record: Therefore we command you, that by the oath of honeſt and lawful men of your bailiwick, you diligently inquire of what lands and tenements the ſaid *E. F.* was ſeiſed in fee-ſimple at the time of his death, and which deſcended to the ſaid *C. D.* as ſon and heir of the ſaid *E. F.* by hereditary right, after the death of the ſaid *E. F.* and of which the ſaid *C. D.* on the —— day of —— in the —— year of our reign, on which day the ſaid *A. B.* exhibited his bill (or ſued out his original writ) for the debt aforeſaid, againſt the ſaid *C. D.* was ſeiſed in his demeſne as of fee, and how much thoſe lands and tenements with the appurtenances are worth by the year, in all iſſues beyond repriſes, according to the true value of the ſame; and when the ſaid inquiſition ſhall have been by you ſo made, that without delay you deliver the ſaid lands and tenements with the appurtenances to the ſaid *A. B.* to hold to him and his aſſigns, as his freehold, until the damages (or debt and damages) aforeſaid ſhall be thereof fully levied; and

in

in what manner you ſhall have executed this our writ, make appear to us at *Weſtminſter*, on —— next after ——, under your ſeal, and the ſeals of them by whoſe oath you ſhall make the ſaid extent and appraiſement; and have there then the names of them by whoſe oath you ſhall make the ſaid extent and appraiſement, and this writ. Witneſs, *&c.*

The like, on a general judgment.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ (or by original, by our writ), and by the judgment of the ſame court, recovered againſt *C. D.* ſon and heir of *E. F.* deceaſed, a certain debt of —— *l.* and alſo —— *l.* which in our ſaid court before us were adjudged to the ſaid *A. B.* for his damages, *&c.* whereof the ſaid *C. D.* is convicted, as appears to us of record: And afterwards, the ſaid *A. B.* came into our ſaid court before us, and prayed to be delivered to him all the lands and tenements of the ſaid *C. D.* in your county, which deſcended to the ſaid *C. D.* from the ſaid *E. F.* his father in fee-ſimple, whereof the ſaid *C. D.* on the —— day of —— in the —— year of our reign, on which day the ſaid *A. B.* exhibited his bill (or ſued out his original writ) for the debt aforeſaid againſt him, was ſeiſed: But becauſe it is unknown, what lands and tenements the ſaid *C. D.* on the aforeſaid day of exhibiting the bill (or ſuing out the original writ) aforeſaid, had by hereditary deſcent from the ſaid *E. F.* his father; we command you, that by the oath of honeſt and lawful men of your bailiwick, you diligently inquire

what lands and tenements the ſaid *C. D.* on the ſame day of exhibiting the bill (or ſuing out the original writ) aforeſaid, had by hereditary deſcent from the ſaid *E. F.* his father, and how much thoſe lands and tenements are worth by the year, according to the true value of the ſame, in all iſſues beyond repriſes; and when the ſaid inquiſition ſhall have been by you diligently made, that without delay you deliver to the ſaid *A. B.* the ſaid lands and tenements with the appurtenances, according to the true value of the ſame; to hold to the ſaid *A. B.* and his aſſigns, as his freehold, until the damages (or debt and damages) aforeſaid ſhall be thereof fully levied; and in what manner you ſhall have executed this our writ, make appear, *&c.*

Capias ſi laicus, on a ſtatute-merchant.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you take the body of *C. D.* of, *&c.* if he be a layman, and ſhall be found in your bailiwick, and him ſafely keep in our priſon, until he ſhall fully ſatisfy *A. B.* of ——*l.* which the ſaid *C. D.* on the —— day of —— in the —— year of our reign, before —— eſquire, then mayor of the city of ——, and —— gentleman town-clerk of the ſame city, then being the clerk deputed and aſſigned to take recognizances of debts in the city aforeſaid, according to the form of the ſtatute-merchant, acknowledged himſelf to owe to the ſaid *A. B.* and which he ought to have paid to him on the feaſt of —— then next following, but which he hath not yet paid to him, as it is ſaid;

ſaid; and in what manner you ſhall have executed this our writ, make known to us at *Weſtminſter*, on —— next after ——; and have there then this writ. Witneſs, *&c.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we commanded you, that you ſhould take the body of *C. D.* of, *&c.* if he was a layman, and ſhould be found in your bailiwick, and him ſafely keep in our priſon, until he ſhould fully ſatisfy *A. B.* of —— *l.* which the ſaid *C. D.* on the —— day of —— in the —— year of our reign, before —— eſquire, then mayor of the city of ——, and —— gentleman town-clerk of the ſame city, then being the clerk deputed and aſſigned to take recognizances of debts in the city aforeſaid, according to the form of the ſtatute-merchant, acknowledged himſelf to owe to the ſaid *A. B.* and which he ought to have paid to him on the feaſt of —— then next following, but which he had not then paid to him, as it was ſaid; and in what manner you ſhould have executed that our writ, you ſhould make known to us at *Weſtminſter*, on —— next after ——: And you at that day returned to us at *Weſtminſter*, that the ſaid *C. D.* is a layman, and not found in your bailiwick: Therefore we command you, that without delay you cauſe to be delivered to the ſaid *A. B.* by a reaſonable price and extent, all the goods and chattels of the ſaid *C. D.* and all the lands and tenements in your bailiwick, of which the ſaid *C. D.* on the aforeſaid day of acknowledging the debt aforeſaid, or ever afterwards, was ſeiſed, to whoſe hands ſoever

Extent thereon.

ſoever they have come, unleſs they have deſcended to any one, being within age, by hereditary deſcent; to hold the goods and chattels aforeſaid to the ſaid *A. B.* as his proper goods and chattels, and the lands and tenements aforeſaid, as his freehold, to him and his aſſigns, according to the form of the ſtatute in ſuch caſe made and provided, until he ſhall have levied thereof the debt aforeſaid, together with his damages, and all neceſſary and reaſonable coſts in labours, ſuits, delays and expences; and nevertheleſs, that you take the body of the ſaid *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep in our priſon, until he ſhall fully ſatisfy the ſaid *A. B.* of the debt aforeſaid; and in what manner, *&c.*

Levari againſt a clerk.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that of the moveable goods and chattels of *C. D.* parſon of the church of —— in your bailiwick, without delay you cauſe to be levied —— *l.* which the ſaid *C. D.* on, *&c.* before, *&c.* acknowledged, *&c.* (as in the *capias ſi laicus*, to the words "as it is ſaid"); and that you cauſe the ſaid *A. B.* to have the ſame; and in what manner, *&c.*

Extent on a ſtatute-ſtaple.

George the Third, *&c.* To the ſheriff of ——, greeting: Becauſe *C. D.* of, *&c.* on the —— day of —— in the —— year of our reign, before —— of, *&c.* mayor of our ſtaple of ——, deputed to take recognizances of debt in the ſame ſtaple, acknowledged himſelf to owe to *A. B.* of, *&c.* —— *l.* *&c.* which he ought to have paid to him on the feaſt of —— then next following, but which he hath

hath not yet paid to him, as it is ſaid: We command you, that you take the body of the ſaid *C. D.* if he be a layman, and ſhall be found in your bailiwick, and ſafely keep him in our priſon, until he ſhall fully ſatisfy the ſaid *A. B.* of the debt aforeſaid; and that by the oath of honeſt and lawful men of your bailiwick, by whom the truth of the matter may be the better known, you diligently cauſe to be extended and appraiſed, and to be taken into our hands, all the lands and tenements, and chattels of the ſaid *C. D.* in your bailiwick, according to the true value of the ſame, and cauſe them to be delivered to the ſaid *A. B.* until he ſhall be fully ſatisfied of the debt aforeſaid, according to the form of the ordinance thereof made; and in what manner you ſhall have executed this our command, make known to us in our Chancery, on —— next coming, whereſoever, *&c.* by your letters ſealed; and have there this writ. Witneſs, *&c.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* of, *&c.* on the —— day of ——, *&c.* (as above, to the words "by your letters ſealed," and then as follows:) And you have returned to us, that the ſaid *C. D.* was not found in your bailiwick, after our writ was delivered to you, but that you have taken into our hands all the lands and tenements, and chattels of the ſaid *C. D.* in your ſaid bailiwick, and cauſed them to be extended and appraiſed, according to the tenor of our writ aforeſaid, to wit, —— meſſuages, which are appraiſed at —— *l.* &c.: Therefore we command you, that you deliver to the ſaid *A. B.* all the lands and tenements and *Liberate* thereon.

and chattels aforesaid, by you so taken into our hands, if he will have them, by the extent and appraisement aforesaid; to hold according to the form of the ordinance aforesaid, until he shall be satisfied of his debt aforesaid; and in what manner, &c. (as in the last writ).

Immediate extent for the king's debt, on a judgment of the Exchequer.

George the Third, &c. To the sheriff of ——, greeting: Whereas by judgment of the barons of our Exchequer at *Westminster*, given on ——, we have lately recovered against *C. D.* the sum of —— *l.* of lawful money of *Great Britain*, as by the records of our Exchequer appears: Now we being willing to be satisfied the said —— *l.* so due to us, with all the speed we can, as is just, do command you, that you omit not by reason of any liberty, but enter the same, and take the said *C. D.* by his body, wherever he shall be found in your bailiwick, and keep him safely and securely in prison, till we shall be fully satisfied the said debt; and that as well on the oath of honest and lawful men of your bailiwick, as by the testimony on oath of any other honest and lawful men, by whom the truth may be the better known, as by all other lawful means, you diligently inquire what lands and tenements, and of what yearly values, the said *C. D.* had in your bailiwick, on the —— day of —— in the —— year of our reign, when the said *C. D.* first became indebted to us in the said money, or at any time after, until now; and what goods and chattels, and of what sorts and prices, and what debts, credits, specialties

ſpecialties and ſums of money, the ſaid *C. D.* or any perſon or perſons to his uſe, or in truſt for him, now hath in your ſaid bailiwick; and that by the oath of the aforeſaid honeſt and lawful men, you cauſe all and ſingular the ſaid goods and chattels, lands and tenements, debts, credits, ſpecialties and ſums of money, in whoſe hands ſoever they now are, to be carefully appraiſed and extended, and to be taken and ſeiſed into our hands, that we may retain them, until we ſhall be fully ſatisfied our ſaid debt, according to the form of the ſtatute made and provided for the recovery of ſuch our ſaid debts: And we further command you, and give and grant you power by theſe preſents, to ſummon before you whomſoever it may be proper to examine in the premiſes, and to examine them carefully touching the ſame, that this our preſent command may not remain to be further executed: And in what manner you ſhall have executed this our command, you make diſtinctly and plainly appear to the barons of our exchequer at *Weſtminſter*, on the —— day of —— next; and that you have there then this writ: Provided that you do not ſell or cauſe to be ſold thoſe goods and chattels, which you ſhall ſeiſe into our hands by virtue hereof, until you ſhall have another command from us. Witneſs Sir *Archibald Macdonald* knight, the —— day of —— in the —— year of our reign. By the remembrance-rolls; and by the ſaid ſtatute; and by the barons.

———.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* of, *&c.* and *E. F.* of, *&c.* by

The like, for a bond-debt.

by their writing obligatory, ſealed with their ſeals, bearing date, *&c.* are jointly and ſeverally bound to us, in the ſum of —— *l.* of good and lawful money of *Great Britain*, payable at a certain day now paſt, and which ſum they have not, nor hath either of them as yet paid or cauſed to be paid to us, as it is ſaid: And we being deſirous to be ſatisfied the ſaid ſum of —— *l.* now due to us, with all the ſpeed we can, as is juſt, command you, that you omit not entering by any liberty, and as well by the oath of honeſt and lawful men of your bailiwick, and by the teſtimony on oath of any other honeſt and lawful men of your ſaid bailiwick, by whom the truth of the matter may be the better known, as by all other ways, means and methods, by which you can or may the better be informed or enabled, you diligently inquire what debts, credits, ſpecialties and ſums of money the ſaid *C. D.* now hath in your ſaid bailiwick; and that by the oath of the aforeſaid honeſt and lawful men, you cauſe all and ſingular the aforeſaid debts, credits, ſpecialties and ſums of money, in whoſe hands ſoever they now are, to be carefully appraiſed and extended, *&c.* (as in the laſt, to the words "have there then this writ"). Witneſs Sir *Archibald Macdonald*, &c. By the writing obligatory aforeſaid; by the aforeſaid act of parliament, made in the 33d year of the reign of the late king *Henry* the Eighth; by warrant; and by the barons.

——.

Return thereto. The execution of this writ appears in the inquiſition hereunto annexed.

The anſwer of —— ſheriff.

—— to wit. An inquiſition indented, taken at —— the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God, of *Great Britain*, *France* and *Ireland* king, defender of the faith, *&c.* before me —— ſheriff of the county aforeſaid, by virtue of the king's writ to me directed, which is hereunto annexed, on the oath of *G. H.* &c. honeſt and lawful men of my bailiwick, who being ſworn and charged, on their oath ſay that *J. K.* of, *&c.* made a note in writing, bearing date, *&c.* with his own proper hand thereunto ſubſcribed, and thereby —— after date of the ſaid note, promiſed to pay *L. M.* or his order, the ſum of —— *l.* value received; which ſaid note was indorſed by the ſaid *L. M.* to *C. D.* in the writ hereunto annexed named; whereby, and by force of the ſtatute in ſuch caſe made and provided, they became ſeverally liable to pay to the ſaid *C. D.* the ſaid ſum of money in the ſaid note mentioned, according to the tenor and effect of the ſaid note, and of the ſaid indorſement ſo made thereon as aforeſaid; which ſaid debt of —— *l.* ſo due as aforeſaid, I the ſaid ſheriff, on the day of taking this inquiſition, have ſeiſed and taken into his majeſty's hands, according to the command of the ſaid writ: And the jurors aforeſaid on their ſaid oath further ſay, that the ſaid *C. D.* on the day of taking this inquiſition, hath not any other or more debts, credits, ſpecialties or ſums of money, in my ſaid bailiwick, to the knowledge of the ſaid jurors, which can be ſeiſed or taken into his ſaid majeſty's hands, by virtue of the ſaid writ. In witneſs whereof, as well I the ſaid ſheriff, as the jurors aforeſaid, to this inquiſition Inquiſition.

inquiſition have ſet our ſeals, the day year and place firſt above-mentioned.

Extent in aid.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* of, *&c.* and *E. F.* of, *&c.* by their writing obligatory ſealed with their ſeals, bearing date, *&c.* are jointly and ſeverally bound to us, in the ſum of —— *l.* of good and lawful money of *Great Britain*, payable at a certain day now paſt, and which ſum they have not nor hath either of them as yet paid or cauſed to be paid to us, as it is ſaid: And whereas by an inquiſition indented, taken at —— the —— day of —— in the —— year of our reign, before —— ſheriff of our ſaid county of ——, by virtue of our writ of extent, under the ſeal of our Exchequer at *Weſtminſter*, againſt the ſaid *C. D.* to the ſaid ſheriff of —— directed, it is found on the oath of *G. H.* and others good and lawful men of the ſaid ſheriff's bailiwick, that *J. K.* of, *&c.* made a note in writing bearing date, *&c.* with his own proper hand thereunto ſubſcribed, and thereby —— after date of the ſaid note, promiſed to pay *L. M.* or his order, the ſum of —— *l.* value received; which ſaid note was indorſed by the ſaid *L. M.* to the ſaid *C. D.* in the ſaid writ named; whereby, and by force of the ſtatute in ſuch caſe made and provided, they became ſeverally liable to pay to the ſaid *C. D.* the ſaid ſum of money in the ſaid note mentioned, according to the tenor and effect of the ſaid note, and of the ſaid indorſement ſo made thereon as aforeſaid; which ſaid debt of —— *l.* ſo due as aforeſaid, the ſaid ſheriff, on the day of taking the ſaid inquiſition, hath ſeiſed and

taken into his majeſty's hands, according to the command of the ſaid writ; as by the ſaid writ and return thereof, and the ſaid inquiſition thereto annexed, certified into our ſaid Exchequer, and there remaining in the cuſtody of our remembrancer, may more fully appear: And we being deſirous to be ſatisfied the ſaid ſum of —— *l.* now due to us, with all the ſpeed we can, as is juſt, command you that you omit not entering any liberty, but that you take the bodies of the ſaid *J. K.* and *L. M.* and keep them ſafely in our priſon, until they have fully ſatisfied us the ſaid debt; and that as well by the oath of good and lawful men of your bailiwick, and by the teſtimony on oath of any other honeſt and lawful men of your ſaid bailiwick, by whom the truth may be the better known, as by all other ways, means and methods, by which you can or may be the better informed and enabled, you diligently inquire what lands and tenements, and of what yearly values, the ſaid *J. K.* and *L. M.* had in your bailiwick, and alſo what goods and chattels, and of what ſorts and prices, and what debts, credits, ſpecialties and ſums of money the ſaid *J. K.* and *L. M.* now have, or any other perſon or perſons in truſt for them or either of them hath or have in your bailiwick; and that by the oath of the aforeſaid honeſt and lawful men, you cauſe all and ſingular the ſaid goods and chattels, lands and tenements, debts, credits, ſpecialties and ſums of money, in whoſe hands ſoever they now are, to be carefully appraiſed and extended, &c. (as before, p. 363. to the *teſte*, and conclude as follows:) By the writ and inquiſition aforeſaid; by warrant of the lord chief-baron; by the

the aforeſaid act of parliament, &c. and by the barons.

Superſedeas thereon.

George the Third, &c. To the ſheriff of ——, greeting: Whereas by an inquiſition taken before you, the —— day of —— laſt, by virtue of our writ of extent, iſſued out of and under the ſeal of our Exchequer, againſt *C. D.* to you directed, it was found that *J. K.* of, &c. made a note in writing, bearing date, &c. (as in the inquiſition;) which ſaid debt of —— *l.* ſo due as aforeſaid, you have ſeiſed and taken into our hands, according to the command of the ſaid writ; as by the ſaid writ of extent and inquiſition thereon taken, returned and filed in our ſaid Exchequer, and there remaining in the cuſtody of our remembrancer, more fully and at large appears: And whereas by our writ of extent, teſted the —— day of —— laſt, iſſued out of and under the ſeal of our Exchequer, to you directed, againſt the ſaid *J. K.* we have, amongſt other things, commanded you, that you ſhould not omit by reaſon of any liberty, but that you ſhould enter the ſame, and take the body of the ſaid *J. K.* and him ſafely and ſecurely keep in our priſon, until he ſhould fully ſatisfy us the ſaid debt of —— *l.* and that you ſhould likewiſe extend take and ſeiſe into our hands, all the lands, tenements, goods and chattels, debts, credits, ſpecialties, ſum and ſums of money of him the ſaid *J. K.* which you ſhould find in your bailiwick, there to remain, until we ſhould be fully ſatisfied our ſaid debt: Nevertheleſs, for certain reaſons the barons of our ſaid Exchequer thereunto eſpecially moving, we command you, that if the ſaid *J. K.* now

now remains in your cuſtody on that and no other account, that you do forthwith releaſe him, and let him go at large; and if you have by virtue of the ſaid writ, taken and ſeized into our hands any goods or chattels, lands or tenements, debts, credits, ſpecialties, ſum or ſums of money whatſoever, of him the ſaid *J. K.* you do forthwith re-deliver or cauſe the ſame to be re-delivered to the ſaid *J. K.* or his aſſigns, by virtue of theſe preſents; any thing in the ſaid former writ to the contrary notwithſtanding. Witneſs Sir *Archibald Macdonald* knight, the —— day of —— in the —— year of our reign. By the barons.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you take *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after —— to ſatisfy *A. B.* of —— *l.* which the ſaid *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record; and have there then this writ. Witneſs, *&c.*

Capias ad ſatisfaciendum in *aſſumpſit.*

Way.

The like, to a county-palatine.

George the Third, &c. To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: We command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of our ſaid county-palatine, you command the ſaid ſheriff, that he take *C. D.* if he ſhall be found in his bailiwick, and him ſafely keep, ſo that he may have his body before us at *Weſtminſter*, on —— next after ——, to ſatisfy *A. B.* of —— *l.* (or of a certain debt of —— *l.*) &c. (as in a common *capias ad ſatisfaciendum*, to the end).

The like, in debt.

George the Third, &c. To the ſheriff of ——, greeting: We command you, that you take *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after ——, to ſatisfy *A. B.* of a certain debt of —— *l.* which the ſaid *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, and alſo —— *l.* which in our ſaid court before us, were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detention of that debt, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record; and have there then this writ. Witneſs, &c.

In *aſſumpſit* or debt by or againſt ſurviving partners, or by or againſt executors or adminiſtrators, and in covenant, caſe, replevin, treſpaſs, and ejectment, the form of the writ varies, in like manner as the *fieri facias*; for which *vide ante*, p. 302, &c.

After-

Afterwards, to wit, on the —— day of —— in this ſame term, the ſaid *A. B.* comes here into court by his attorney aforeſaid, and prays the writ of the lord the king of *capias ad ſatisfaciendum*, to be directed to the ſheriff of —— commanding him, that he take the ſaid *C. D.* if he be found in his bailiwick, and him ſafely keep, ſo that he may have his body before the ſaid lord the king at *Weſtminſter*, on —— next after —— to ſatisfy the ſaid *A. B.* his damages (or debt and damages) aforeſaid; and it is granted to him, *&c.*; the ſame day is given to the ſaid *A. B.* at the ſame place: At which day, before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſheriff, to wit, —— ſheriff of the county aforeſaid, now here returns to the ſaid lord the king at *Weſtminſter* aforeſaid, that the ſaid *C. D.* is not found in his bailiwick: Whereupon the ſaid *A. B.* prays another writ of the ſaid lord the king of *capias ad ſatisfaciendum*, to be directed to the ſaid ſheriff of —— commanding him in form aforeſaid; and it is granted to him, returnable before the ſaid lord the king at *Weſtminſter*, on —— next after ——; the ſame day is given to the ſaid *A. B.* at the ſame place: At which day, before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſheriff hath not ſent the ſaid laſt-mentioned writ, nor hath he done any thing thereupon; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in the ſaid court of the ſaid lord the king before the king himſelf, that the ſaid *C. D.* runs up and down and ſecretes himſelf in the county of ——; and thereupon the ſaid *A. B.* prays the

Entry and award of *capias ad ſatisfaciendum* and *teſtatum*.

writ of the ſaid lord the king of *teſtatum capias ad ſatisfaciendum* againſt the ſaid *C. D.* to be directed to the ſheriff of the ſaid county of —— commanding him in form aforeſaid; and it is granted to him, returnable before the ſaid lord the king at *Weſtminſter*, on —— next after ——; the ſame day is given to the ſaid *A. B.* at the ſame place.

Return of *cepi corpus.*

I have taken the within-named *C. D.* whoſe body I have ready, at the day and place within-contained, as within I am commanded.

The anſwer of —— ſheriff.

Non eſt inventus.

The within-named *C. D.* is not found in my bailiwick.

The anſwer, *&c.*

Mandavi ballivo.

By virtue of this writ to me directed, I made my mandate to the bailiff of *E. F.* eſquire, of his liberty of —— who hath the execution and return of all writs and proceſs within the ſaid liberty, and without whom no execution of this writ could be made by me within the ſame; which ſaid bailiff hath not given me any anſwer thereto (or, hath anſwered me thus: I have taken the within-named *C. D.* whoſe body I have ready, *&c.*)

The anſwer, *&c.*

Alias or *pluries capias ad ſatisfaciendum.*

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, as before (or as oftentimes before) we have commanded you, that you take, *&c.* (as in the former *capias ad ſatisfaciendum*, altering the return).

Non omittas capias ad ſatisfaciendum.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you omit not by reaſon of any liberty in your bailiwick, but that you enter the ſame, and take, *&c.* (as in the former *capias ad ſatisfaciendum*, altering the return).

Teſtatum capias ad ſatisfaciendum.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas we lately commanded our ſheriff of —— that he ſhould take *C. D.* if he ſhould be found in his bailiwick, and him ſafely keep, ſo that he might have his body before us at *Weſtminſter*, on a certain day now paſt, to ſatisfy *A. B.* of —— *l.* (or of a certain debt of —— *l.*) which the ſaid *A. B.* lately in our court before us at *Weſtminſter*, had recovered againſt him, *&c.* (reciting the former writ, to the words, "whereof the ſaid *C. D.* was convicted, as appeared to us of record"): And our ſaid ſheriff of —— at that day returned to us, that the ſaid *C. D.* was not found in his bailiwick; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* runs up and down and ſecretes himſelf in your county: Therefore we command you, that you take the ſaid *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after —— to ſatisfy the ſaid *A. B.* of his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

The like, to a county-palatine.

George the Third, &c. To the chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: Whereas we lately commanded our ſheriff of —— that he ſhould take, &c. (reciting the former writ, to the words, "whereof the ſaid *C. D.* was convicted, as appeared to us of record"): And our ſaid ſheriff of —— at that day returned to us, that the ſaid *C. D.* was not found in his bailiwick; whereupon on behalf the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* runs up and down and ſecretes himſelf in our ſaid county-palatine: Therefore we command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of the ſaid county-palatine, you command the ſaid ſheriff, that he take the ſaid *C. D.* if he ſhall be found in his bailiwick, and him ſafely keep, ſo that he may have his body before us at *Weſtminſter*, on —— next after —— to ſatisfy the ſaid *A. B.* of his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, &c.

The like, from a county-palatine.

George the Third, &c. To the ſheriff of ——, greeting: Whereas by our writ we lately commanded our chancellor of our county-palatine of *Lancaſter*, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of our ſaid county-palatine, he ſhould command the ſaid ſheriff, that he ſhould take, &c. (reciting the former writ, to the words, "whereof the ſaid *C. D.* was convicted, as appeared to us of record"): And our ſaid chancellor of our ſaid county-palatine at that day returned to us, that by virtue of the ſaid writ

to

to him directed, he had, by another writ under the ſeal of our ſaid county-palatine duly made, and directed to the ſheriff of the ſame county, commanded the ſaid ſheriff, as by the ſaid firſt-mentioned writ he was commanded; which ſaid ſheriff, in anſwer to the ſaid writ to him directed, had returned to our ſaid chancellor, that the ſaid *C. D.* was not found in his bailiwick; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* runs up and down and ſecretes himſelf in your county: Therefore we command you, that you take the ſaid *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after —— to ſatisfy the ſaid *A. B.* of his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

The like, from one county-palatine to another.

George the Third, *&c.* To our chamberlain of our county-palatine of *Cheſter*, or to his deputy there, greeting: Whereas by our writ we lately commanded our chancellor of our county-palatine of *Lancaſter*, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of the ſame county-palatine, he ſhould command the ſaid ſheriff, that he ſhould take, *&c.* (reciting the former writ, to the words "whereof the ſaid *C. D.* was convicted, as appeared to us of record"): And our ſaid chancellor of our ſaid county-palatine of *Lancaſter* at that day returned to us, that by virtue of our ſaid writ to him directed, he had by another writ, *&c.* (as in the laſt); which ſaid ſheriff, in anſwer to the ſaid writ to him directed,

had returned to our ſaid chancellor, that the ſaid *C. D.* was not found in his bailiwick; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* runs up and down and ſecretes himſelf in our ſaid county-palatine of *Cheſter*: Therefore we command you, that by our writ under the ſeal of our ſaid county-palatine of *Cheſter* to be duly made, and directed to the ſheriff of the ſame county-palatine, you command the ſaid laſt-mentioned ſheriff, that he take the ſaid *C. D.* if he ſhall be found in his bailiwick, and him ſafely keep, ſo that he may have his body before us at *Weſtminſter*, on —— next after ——, to ſatisfy the ſaid *A. B.* of his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

Capias ad ſatisfaciendum for the reſidue.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, that of the goods and chattels, *&c.* (reciting the *fieri facias*): And you at that day returned to us at *Weſtminſter*, that by virtue of the ſaid writ to you directed, you had cauſed to be made of the goods and chattels of the ſaid *C. D.* —— *l.* parcel of the damages (or debt and damages) aforeſaid; which money you had ready at the day and place in the ſaid writ contained, to render to the ſaid *A. B.* for ſo much of his damages (or debt and damages) aforeſaid, as by the ſaid writ you were commanded; and that the ſaid *C. D.* had not any other or more goods and chattels in your bailiwick, whereof you could cauſe to be made the reſidue

due of the damages (or debt and damages) aforeſaid, or any part thereof: Therefore we command you, that you take the ſaid *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after ——, to ſatisfy the ſaid *A. B.* of —— *l.* reſidue of his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

George the Third, *&c.* To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: Whereas by our writ we lately commanded you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of our ſaid county-palatine, you ſhould command the ſaid ſheriff, that of the goods and chattels, *&c.* (reciting the *fieri facias*): And you at that day returned to us, that by virtue of the ſaid writ to you directed, you had by another writ under the ſeal of our ſaid county-palatine duly made, and directed to the ſheriff of our ſaid county-palatine, commanded the ſaid ſheriff, as by our ſaid firſt-mentioned writ you were commanded; which ſaid ſheriff, in anſwer to the ſaid writ to him directed, had returned to you, that by virtue of the ſaid laſt-mentioned writ, he had cauſed to be made of the goods and chattels of the ſaid *C. D.* —— *l.* part of the damages (or debt and damages) aforeſaid, which money he had ready before us, at the day and place in the ſaid laſt-mentioned writ contained, to render to the ſaid *A. B.* as by that writ he was commanded, and that the ſaid *C. D.* had not any other or more goods or chattels in his bailiwick, whereof he could cauſe

The like, to a county-palatine.

cauſe to be made the reſidue of the damages (or debt and damages) aforeſaid, or any part thereof: Therefore we command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of our ſaid county-palatine, you command the ſaid ſheriff, that he take the ſaid *C. D.* if he ſhall be found in his bailiwick, and him ſafely keep, ſo that he may have his body before us at *Weſtminſter*, on —— next after ——, to ſatisfy the ſaid *A. B.* of ——*l.* reſidue of his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

Capias ad ſatisfaciendum againſt an executor or adminiſtrator, after a *devaſtavit*, and return of *nulla bona* to a *fieri facias de bonis propriis.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas we lately commanded you, that of the goods and chattels, *&c.* (reciting the *fieri facias de bonis teſtatoris*, &c.): And you at that day returned to us, that, *&c.* (reciting the return of *nulla bona teſtatoris nec propria*, and *devaſtavit*, for which *vide ante*, p. 318.) Whereupon we lately commanded you, that of the proper goods and chattels, *&c.* (reciting the *fieri facias de bonis propriis*): And you at that day returned to us, that the ſaid *C. D.* had not any of his own proper goods or chattels in your bailiwick, whereof you could cauſe to be made the damages (or debt and damages) aforeſaid: Therefore we command you, that you take the ſaid *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after ——, to ſatisfy the ſaid *A. B.* of his damages (or debt and

damages) aforeſaid; and have there then this writ. Witneſs, &c.

George the Third, &c. To the ſheriff of ——, greeting: Whereas we lately commanded our ſheriff of ——, that of the goods and chattels, &c. (reciting the *fieri facias de bonis teſtatoris*, &c.): And our ſaid ſheriff of —— at that day returned to us, that, &c. (reciting the return of *nulla bona teſtatoris nec propria*, and *devaſtavit*, for which *vide ante*, p. 318.) Whereupon we lately commanded our ſaid ſheriff of ——, that of the proper goods and chattels, &c. (reciting the *fieri facias de bonis propriis*): And our ſaid ſheriff of —— at that day returned to us, that, &c. (reciting the return of *nulla bona propria*): Whereupon we commanded our ſaid ſheriff of ——, that he ſhould take, &c. (reciting the *capias ad ſatisfaciendum*): And our ſaid ſheriff of —— at that day returned to us, that the ſaid *C. D.* was not found in his bailiwick; whereupon on behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us, that the ſaid *C. D.* runs up and down and ſecretes himſelf in your county: Therefore we command you, that you take the ſaid *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us at *Weſtminſter*, on —— next after ——, to ſatisfy the ſaid *A. B.* of his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, &c.

Teſtatum capias ad ſatisfaciendum, in a ſimilar caſe.

At which day, before the lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and —— chancellor of our biſhoprick of *Durham* aforeſaid

Entry of return of *devaſtavit*, upon a *fieri facias de bonis teſtatoris*, &c. to the county-palatine of

Durham, and award of *fieri facias de bonis propriis*; and upon the return of part levied, award of *capias ad ſatisfaciendum* and *teſtatum* for the reſidue.

aforeſaid returns, that by virtue of the ſaid writ to him thereupon directed, he hath commanded the ſheriff of the county of *Durham* aforeſaid, that the ſaid ſheriff ſhould in all things fully execute the ſaid writ of the ſaid lord the king; which ſaid ſheriff anſwered him, that before the coming of the ſaid writ of the ſaid lord the king to him directed, divers goods and chattels, which were of the ſaid *E. F.* deceaſed at the time of his death, came to the hands and poſſeſſion of the ſaid *C. D.* to be adminiſtered, which ſaid goods and chattels the ſaid *C. D.* afterwards, and before the coming of the ſaid writ to him, had eloigned, waſted and converted to his own uſe: Wherefore the ſaid ſheriff could not cauſe the ſaid —— *l.* for the damages aforeſaid, or any part thereof, to be made of the goods and chattels, which were of the ſaid *E. F.* deceaſed, as by the ſaid writ he was commanded; and the ſaid ſheriff further anſwered the ſaid chancellor, that of the proper goods and chattels of the within-named *C. D.* he had cauſed to be made the ſaid —— *l.* for the coſts and charges aforeſaid, as he was commanded: Which ſaid —— *l.* by the ſaid ſheriff brought here into court, by the ſame court here are delivered to the ſaid *A. B.* in part of the damages aforeſaid; therefore let the ſaid ſheriff be acquitted of the ſaid —— *l. &c.* And as to —— *l.* reſidue of the damages aforeſaid, it is conſidered that the ſaid *A. B.* have execution againſt the ſaid *C. D.* of the ſaid —— *l.* reſidue of the damages aforeſaid, of the proper goods and chattels of the ſaid *C. D.* Therefore it is commanded to the ſaid chancellor of the biſhoprick aforeſaid, that by the writ of the ſaid lord

lord the king to be duly made, and directed to the ſheriff of the ſaid county of *Durham*, he cauſe it to be commanded to the ſheriff of that county, that of the proper goods and chattels of the ſaid *C. D.* in his bailiwick, he cauſe to be made the ſaid —— *l.* reſidue of the damages aforeſaid; and that he have that money before the ſaid lord the king at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* in form aforeſaid; the ſame day is given to the ſaid *A. B.* there, *&c.* At which day, before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſaid —— chancellor of the biſhoprick aforeſaid returns, that by virtue of the ſaid writ to him thereupon directed, he hath commanded the ſheriff of the ſaid county of *Durham*, that the ſaid ſheriff ſhould in all things fully execute that writ; which ſaid ſheriff anſwered him, that the ſaid *C. D.* had no goods or chattels in his bailiwick, whereof he could cauſe to be made the ſaid —— *l.* or any part thereof: Therefore it is commanded to the chancellor of the biſhoprick aforeſaid, that by the writ, *&c.* he cauſe to be commanded, *&c.* that the ſaid ſheriff ſhould take the ſaid *C. D.* if, *&c.* and him ſafely keep, ſo that he might have his body before the ſaid lord the king at *Weſtminſter*, on —— next after ——, to ſatisfy the ſaid *A. B.* of the ſaid —— *l.* reſidue of the damages aforeſaid; the ſame day is given to the ſaid *A. B.* there, *&c.* At which day, before the ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſaid chancellor of the biſhoprick aforeſaid returns, that by virtue, *&c.* he commanded the ſheriff, *&c.* which ſaid ſheriff

riff answered him, that the said *C. D.* is not found in his bailiwick; whereupon on behalf of the said *A. B.* it is testified in our said court here, that the said *C. D.* runs up and down and secretes himself in the county of ——: Therefore it is commanded to the sheriff of ——, that he take the said *C. D.* if, &c. and him safely keep, &c. so that he have, &c. on —— next after ——, to satisfy the said *A. B.* of the said —— *l.* residue of the damages aforesaid: At which day, before the said lord the king at *Westminster*, comes the said *A. B.* in his proper person; and the sheriff of —— aforesaid returns, that the said *C. D.* is not found in his bailiwick; whereupon on behalf of the said *A. B.* it is sufficiently testified in the said court of the said lord the king before the king himself, that the said *C. D.* runs up and down and secretes himself in the county of ——: Therefore it is commanded to the sheriff of ——, that he take the said *C. D.* if, &c. and him safely keep, so that he have, &c. on —— next after ——, to satisfy the said *A. B.* of the residue of the damages aforesaid, in form aforesaid; the same day is given to the said *A. B.* there, &c.

Exigi facias, after a *capias ad satisfaciendum.*

George the Third, &c. To the sheriff of ——, greeting: We command you, that you cause *C. D.* late of, &c. to be demanded from county-court to county-court (or if in *London*, from husting to husting), until, according to the law and custom of *England*, he be outlawed, if he doth not appear; and if he doth appear, then that you take him, and cause

cauſe him to be ſafely kept, ſo that you may have his body before us, on —— whereſoever we ſhall then be in *England*, to ſatisfy *A. B.* of —— *l.* (or of a certain debt of —— *l.*) which the ſaid *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt him, &c. (as in a common *capias ad ſatisfaciendum*, to the words "whereof the ſaid *C. D.* is convicted, as appears to us of record"): And whereupon you returned to us, on, &c. (the return-day of the *capias ad ſatisfaciendum*,) laſt paſt, that the ſaid *C. D.* was not found in your bailiwick; and have there this writ. Witneſs *Lloyd* Lord *Kenyon*, &c.

In the King's Bench.

A. B. plaintiff,
Between and
C. D. defendant.

To Mr. *A. B.*

Notice by inſolvent, of his intention to petition on the lords' act.

Take notice, that I intend, at the expiration of fourteen days from the delivery hereof, or ſo ſoon after as I can be heard, to petition his majeſty's court of King's Bench at *Weſtminſter*, for ſuch relief and benefit as I am entitled to, by virtue of an act of parliament made and paſſed in the thirty-ſecond year of the reign of his late majeſty king *George* the Second, intitled, "An act for the relief of debtors, with reſpect to the impriſonment of their perſons," &c. and alſo of an act made and paſſed in the thirty-third year of the reign of his preſent majeſty, intitled, "An act for the further relief of debtors," &c. and alſo of an act made and paſſed

in

in the thirty-ſeventh year of the reign of his preſent majeſty, intitled, "An act to amend ſo much of the firſt-mentioned act, as relates to the weekly ſums thereby directed to be paid to priſoners in execution for debt, in the caſes therein mentioned;" and that I have no debts, eſtates or effects whatſoever, nor had I at the time of my firſt impriſonment in this action, or at any time ſince, either in poſſeſſion, reverſion, remainder or expectancy, other than and except what are mentioned and contained in the ſchedule or inventory here-under written, (if there be one,) and the neceſſary wearing apparel and bedding for myſelf and family, and the tools or inſtruments of my trade or calling, not exceeding the ſum of ten pounds in value in the whole. As witneſs my hand this —— day of —— 179-.

C. D.

Witneſs *E. F.*

Schedule. A ſchedule or inventory of all the eſtate and effects, which I *C. D.* a priſoner in execution, in the cuſtody of the marſhal of the marſhalſea, (or of *G. H.* eſquire, ſheriff of the county of ——,) at the ſuit of *A. B.* or any perſon or perſons in truſt for me, was or were poſſeſſed of or entitled unto, at the time of my firſt impriſonment, at the ſuit of the ſaid *A. B.* or at any time ſince, either in poſſeſſion, reverſion, remainder or expectancy, other than and except the neceſſary wearing apparel and bedding of or for me and my family, and the tools or inſtruments of my trade or calling, not exceeding ten pounds in value in the whole. As witneſs my hand this —— day of —— 179-.

Real eſtate: (deſcribing it, if any, according to the mode pointed out by the ſtatute; or if there be none, ſay, "I have none, either in poſſeſſion, reverſion, remainder or expectancy.")

Goods: (ſetting them forth.)

Debts: (naming the perſons from whom they are due, and ſtating the amount of them; and if ariſing on notes or bills, their dates, &c.)

C. D.

Witneſs *E. F.*

In the King's Bench.

A. B. plaintiff,
Between and
C. D. defendant.

Affidavit to be annexed to notice and ſchedule.

E. F. of, &c. maketh oath and ſaith, that he was preſent and did ſee the above-named *C. D.* ſign his name (or mark) to the notice and ſchedule hereunto annexed, on the day of the date thereof, and alſo to a copy of the ſame; and that the name *E. F.* ſubſcribed as a witneſs thereto, is of the proper handwriting of this deponent.

E. F.

Sworn, &c.

Affidavit of ſervice of notice and ſchedule.

E. F. of, &c. maketh oath and ſaith, that he this deponent did, on —— the —— day of —— inſtant (or laſt), ſerve the above-named *A. B.* with a true copy of the notice and ſchedule hereunto annexed, by delivering the ſame to —— at his dwelling-houſe or place of abode, ſituate at —— in the county of ——.

E. F.

Sworn, &c.

Petition.

To the right honorable *Lloyd* Lord *Kenyon*, lord chief-juſtice of his majeſty's court of King's Bench at *Weſtminſter*, and the reſt of the judges of the ſame court.

The humble petition of *C. D.*

Sheweth,

That your petitioner is a priſoner in the cuſtody of the marſhal of the marſhalſea (or in his majeſty's gaol in and for the county of ——), charged in execution at the ſuit of *A. B.* for the ſum of —— *l.* damages and coſts, (or —— *l.* debt and —— *l.* damages,) as by the certificate annexed more fully appears.

That your petitioner humbly apprehends he is entitled to the benefit of an act of parliament made and paſſed in the 32d year of the reign of his late majeſty king *George* the Second, intitled, "An act for the relief of debtors, with reſpect to the impriſonment of their perſons," *&c.* and alſo of an act made and paſſed in the 33d year of the reign of his preſent majeſty, intitled, "An act for the further relief of debtors," *&c.* and alſo of an act made and paſſed in the 37th year of the reign of his preſent majeſty, intitled, "An act to amend ſo much of the firſt mentioned act, as relates to the weekly ſums thereby directed to be paid to priſoners in execution for debt, in caſes therein mentioned."

That your petitioner hath not at the time of exhibiting this his petition, nor had he at the time of his firſt impriſonment in this action, or at any time ſince, any debts, eſtate or effects whatſoever, either in poſſeſſion,

poſſeſſion, reverſion, remainder or expectancy, other than and except what are mentioned and contained in the ſchedule or inventory hereunto annexed, (if there be one,) and the neceſſary wearing apparel and bedding for himſelf and family, and the tools or implements of his trade and calling, not exceeding the ſum of ten pounds in value in the whole.

Your petitioner being willing and deſirous to conform himſelf to the directions of the ſaid ſeveral acts, moſt humbly prays your lordſhips to grant a rule or order of this honorable court, for the plaintiff to ſhew cauſe why he ſhould not be diſcharged purſuant to the ſaid acts.

And your petitioner, as in duty bound, will ever pray, *&c.*

C. D.

Schedule (if any) as before, p. 384, 5.

Affidavit of gaoler's ſignature of certificate.

E. F. of, *&c.* maketh oath and ſaith, that he this deponent did ſee *G. H.* the keeper of his majeſty's gaol or priſon of, *&c.* ſign the certificate hereto annexed; and that the name *G. H.* ſet and ſubſcribed at the foot of the ſaid certificate, is of the proper hand-writing of the ſaid *G. H.*

E. F.

Sworn, *&c.*

Affidavit of ſervice of rule.

E. F. of, *&c.* maketh oath and ſaith, that he this deponent did on the —— day of —— inſtant, perſonally ſerve the above-named *A. B.* with a true copy of the rule hereto annexed. (Or if the ſervice was on his wife or ſervant, ſay, "ſerve the above-named *A. B.* with a true copy, *&c.* by delivering

the ſame to the wife or ſervant of the ſaid *A. B.* at his dwelling-houſe or place of abode, ſituate at —— in the county of ——.")

E. F.

Sworn, *&c.*

Note for payment of allowance.

A. B. v. *C. D.* } I hereby promiſe to pay and allow to *C. D.* three ſhillings and ſixpence per week weekly, on *Monday* in every week, for ſo long time as he ſhall continue in priſon in execution at my ſuit. As witneſs my hand this —— day of —— 179-.

A. B.

Witneſs *E. F.*

In the King's Bench.

Between *A. B.* plaintiff, and *C. D.* defendant.

Sir,

Notice on compulſive clauſe, to priſoner.

Take notice that I intend on the firſt day of next —— term, or as ſoon after as I can be heard, to petition his majeſty's court of King's Bench at *Weſtminſter*, for a rule or order of the ſaid court, directing you to be brought up into this honorable court, in order that you may be compelled to diſcover and deliver into the ſaid court upon oath, a true account in writing, ſigned by you, of all your real and perſonal eſtate, and of all incumbrances affecting the ſame, according to the beſt of your knowledge and belief, in order that your eſtate and effects may be diveſted out of you, and may by the judges of the ſaid court be ordered to be aſſigned and conveyed, in manner and for the purpoſes declared in and by a certain act of parliament, made and paſſed in the

32d year of the reign of his late majeſty king *George* the Second, intitled, " An act for the relief of debtors, with reſpect to the impriſonment of their perſons, and to oblige debtors who ſhall continue in execution in priſon beyond a certain time, and for ſums not exceeding what are mentioned in the act, to make diſcovery of and deliver upon oath, their eſtates for their creditors' benefit;" and alſo in and by a certain act of parliament, made and paſſed in the 33d year of the reign of his preſent majeſty, intitled, " An act for the further relief of debtors, with reſpect to the impriſonment of their perſons, and to oblige debtors who ſhall continue in execution in priſon beyond a certain time, and for ſums not exceeding what are mentioned in the act, to make diſcovery of and deliver upon oath, their eſtates for their creditors' benefit." Dated the —— day of —— 179-.

A. B.

the above-named plaintiff.

To Mr. *C. D.*
the above-named defendant.

Witneſs *E. F.*

In the King's Bench.

A. B. plaintiff,
Between and
C. D. defendant.

Sir,

The like, to other creditors.

Take notice that I intend on the firſt day of next —— term, or as ſoon after as I can be heard, to petition his majeſty's court of King's Bench at *Weſtminſter*, for a rule or order of the ſaid court, directing the above-named defendant *C. D.* to be brought up into this honorable court, in order that he may be compelled to diſcover and deliver into the ſaid

court upon oath, a true account in writing, ſigned by him, of all his real and perſonal eſtate, and of all incumbrances affecting the ſame, according to the beſt of his knowledge and belief, in order that his eſtate and effects may be diveſted out of him, and may by the judges of the ſaid court be ordered to be aſſigned and conveyed, in manner and for the purpoſes declared in and by a certain act of parliament, made and paſſed in the 32d year of the reign of his late majeſty king *George* the Second, intitled, "An act for the relief of debtors," *&c.* (as in the laſt).

A. B.
the above-named plaintiff.

To *G. H.* &c. creditors
of the above-named defendant.
Witneſs *J. K.*

The notice to the ſheriff or gaoler, of the plaintiff's intention to have the priſoner brought up, ſhould require him to bring up the priſoner accordingly.

In the King's Bench.

A. B. plaintiff,
Between and
C. D. defendant.

Petition. To the right honorable *Lloyd* Lord *Kenyon*, lord chief-juſtice of his majeſty's court of King's Bench at *Weſtminſter*, and the reſt of the judges of the ſame court.

The humble petition of *A. B.* of, *&c.* the above-named plaintiff;

Sheweth,

That *C. D.* the above-named defendant is a priſoner in the cuſtody of —— charged in execution at the

the ſuit of your petitioner, for the ſum of —— *l.* as appears by the annexed certificate.

That your petitioner apprehends he is authorized and empowered, by virtue of the compulſive clauſe in an act of parliament, made and paſſed in the 32d year of the reign of his late majeſty king *George* the Second, intitled, "An act for the relief of debtors, with reſpect to the impriſonment of their perſons, and to oblige debtors who ſhall continue in execution in priſon beyond a certain time, and for ſums not exceeding what are mentioned in the act, to make diſcovery of and deliver upon oath, their eſtates for their creditors' benefit;" and alſo of an act of parliament, made and paſſed in the 33d year of the reign of his preſent majeſty, intitled, "An act for the further relief of debtors, with reſpect to the impriſonment of their perſons, and to oblige debtors who ſhall continue in execution in priſon beyond a certain time, and for ſums not exceeding what are mentioned in the act, to make diſcovery of and deliver upon oath, their eſtates for their creditors' benefit;" to compel the above-named defendant *C. D.* to deliver into this honorable court upon oath, a true account in writing, ſigned by the ſaid defendant, of all his real and perſonal eſtate, and of all incumbrances affecting the ſame, according to the beſt of his knowledge and belief, in order that his eſtate and effects might be diveſted out of him, and aſſigned and conveyed in manner and for the purpoſes declared in the ſaid ſeveral acts.

Your petitioner therefore humbly prays a rule or order of this honorable court, for the above-named

defendant *C. D.* to ſhew cauſe, why he ſhould not conform himſelf to the directions of the ſaid acts.

And your petitioner ſhall ever pray, *&c.*

A. B.

the above-named plaintiff.

To *E. F. G. H.* and *J. K.* attornies of the court of King's Bench at *Weſtminſter*, jointly and ſeverally, or to any other attorney of the ſame court.

Warrant of attorney to acknowledge ſatisfaction.

Whereas I *A. B.* of, *&c.* heretofore, to wit, in or about the term of —— laſt paſt, obtained final judgment in his majeſty's court of King's Bench at *Weſtminſter*, againſt *C. D.* of, *&c.* for —— *l.* debt and —— *l.* coſts, (or for —— *l.* damages and coſts,) as by the record thereof may appear: And whereas I the ſaid *A. B.* have received ſatisfaction for the ſame: Theſe are therefore to deſire and authorize you, the attornies above-named, or any one of you, or any other attorney of the ſame court, to acknowledge and enter ſatisfaction upon the record of the ſame judgment; and for your ſo doing, this ſhall be your ſufficient warrant and diſcharge in that behalf. In witneſs whereof, I have hereunto ſet my hand and ſeal the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, *&c.* and in the year of our Lord 179-.

Sealed and delivered, being firſt duly ſtamped, in the preſence of ——

—— term

Satisfaction-piece.

—— term in the —— year of the reign of King *George* the Third.

Way.

—— to wit. Satisfaction is acknowledged between *A. B.* plaintiff and *C. D.* defendant, of a plea of treſpaſs on the caſe, for —— *l.* damages and coſts, (or, of a plea of debt for —— *l.* debt, and —— *l.* damages, *&c.*)

Judgment entered of ——
E. F. attorney. term —— *Geo.* 3.
Roll ——

Entry of ſatiſfaction.

Afterwards, to wit, on —— next after —— (or by original, on —— in the —— year of the reign of our ſovereign lord *George* the Third, now king of *Great Britain*, &c. before our ſaid lord the king at *Weſtminſter*, cometh the aforeſaid *A. B.* by his attorney aforeſaid, (or, by *E. F.* his attorney in this behalf,) and acknowledgeth himſelf to be ſatisfied by the ſaid *C. D.* of the damages, coſts and charges aforeſaid, (or in debt, of the debt and damages aforeſaid): Therefore let the ſaid *C. D.* be thereof acquitted, *&c.*

Præcipe for *ſcire facias* againſt bail.

Middleſex. *Scire facias* for *A. B.* againſt *E. F.* and *G. H.* bail of *C. D.* for —— *l.* damages (or —— *l.* debt, and —— *l.* damages), returnable on, *&c.*

J. K. attorney.

Scire facias againſt bail, on a recognizance by bill.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: Whereas *E. F.* of, *&c.* and *G. H.* of, *&c.* heretofore, to wit, in —— term, in the —— year of our reign, came into our court before us at *Weſtminſter*, in their proper perſons, and became pledges and bail, and each of them became pledge and bail, for *C. D.* that if the ſaid *C. D.* ſhould happen to be convicted, at the ſuit of *A. B.* in a certain plea of treſpaſs on the caſe upon promiſes, to the damage of the ſaid *A. B.* of —— *l.* (or in debt, in a certain plea of debt for —— *l.*) then lately commenced and depending in the ſame court, by and at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* then the ſaid *E. F.* and *G. H.* conſented, and each of them conſented, that all ſuch damages (or in debt, that as well the ſaid debt, as all ſuch damages) as ſhould be adjudged to the ſaid *A. B.* in that behalf, ſhould be made of their and each of their lands and chattels, and levied to the uſe of the ſaid *A. B.* if it ſhould happen that the ſaid *C. D.* ſhould not pay and ſatisfy the ſaid damages (or in debt, the ſaid debt and damages), or render himſelf to the priſon of the marſhal of our marſhalſea before us, on that occaſion; as by the record of the ſaid recognizance, ſtill remaining in our ſaid court before us at *Weſtminſter* aforeſaid, more fully appears: And although the ſaid *A. B.* afterwards, to wit, in —— term, in the —— year

—— year of our reign, in our ſaid court before us at *Weſtminſter* aforeſaid, by bill without our writ, and by the judgment of the ſame court, recovered in the ſaid plea, againſt the ſaid *C. D.* —— *l.* for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* (or if in debt, the ſaid debt, and alſo —— *l.* for his damages which he had ſuſtained, as well by means of the detaining of the ſaid debt) as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as by the record and proceedings thereof ſtill remaining in our ſaid court before us at *Weſtminſter* aforeſaid, more fully appears: yet the ſaid *C. D.* hath not paid or ſatisfied the ſaid damages (or debt and damages), or any part thereof, to the ſaid *A. B.* or rendered himſelf to the priſon of the marſhal of our marſhalſea before us, on that occaſion, according to the form and effect of the ſaid recognizance; and as well the ſaid recognizance, as the ſaid judgment, ſtill remain in full force and effect, in no wiſe ſet aſide, reverſed, paid off or ſatisfied; as we have received information from the ſaid *A. B.* in our ſaid court before us: Wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf; and we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *E. F.* and *G. H.* that they be before us at *Weſtminſter*, on —— next after —— to ſhew if they have or know, or if either of them hath or knoweth, of any thing to ſay for

themſelves or himſelf, why the ſaid *A. B.* ought not to have execution againſt the ſaid *E. F.* and *G. H.* for the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recognizance, if it ſhall ſeem expedient for him ſo to do; and further to do and receive what our ſaid court before us ſhall then and there conſider of them in this behalf; and have there then the names of thoſe by whom you ſhall ſo make known to them, and this writ. Witneſs *Lloyd* Lord *Kenyon* at *Weſtminſter*, the —— day of —— in the —— year of our reign.

The like, on a recognizance by original.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: Whereas *E. F.* of, *&c.* and *G. H.* of, *&c.* heretofore, to wit, in —— term, in the —— year of our reign, came into our court before us at *Weſtminſter*, in their proper perſons, and became pledges and manucaptors, and each of them by himſelf became pledge and manucaptor, for *C. D.* late of, *&c.* and then and there acknowledged themſelves to owe, and each of them did acknowledge himſelf to owe to *A. B.* the ſum of —— *l.* and did ſubmit and grant for themſelves and their heirs, and each of them did ſubmit and grant for himſelf and his heirs, that the ſaid ſum of —— *l.* ſhould and might be made of their and each of their lands and chattels, and levied to and for the uſe of the ſaid *A. B.* in caſe the ſaid *C. D.* ſhould happen to be convicted, in a certain plea of treſpaſs on the caſe upon promiſes, to the damage of the ſaid *A. B.* of —— *l.* (or in debt, in a certain plea of debt for —— *l.*) then lately commenced and depending in the

the ſame court, by and at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* and if the ſaid *C. D.* ſhould not pay and ſatisfy unto the ſaid *A. B.* all ſuch damages (or if in debt, as well the ſaid debt or ſum of —— *l.* as all ſuch damages) as ſhould be adjudged to the ſaid *A. B.* in the plea aforeſaid, or render himſelf to the priſon of the marſhal of our marſhalſea before us on that occaſion; as by the record of the ſaid recognizance, ſtill remaining in our ſaid court before us at *Weſtminſter* aforeſaid, fully appears: And although the ſaid *A. B.* afterwards, to wit, in —— term, in the —— year of our reign, in our ſaid court before us at *Weſtminſter* aforeſaid, by our writ, and by the conſideration and judgment of the ſame court, recovered, *&c.* (as in the laſt, to the mandatory part of the writ, which is as follows): that by honeſt and lawful men of your bailiwick, you make known to the ſaid *E. F.* and *G. H.* that they be before us, on —— whereſoever we ſhall then be in *England*, to ſhew if they have or know, or if either of them hath or knoweth, of any thing to ſay for themſelves, or himſelf, that is to ſay, the ſaid *E. F.* why the ſaid ſum of —— *l.* by him in form aforeſaid acknowledged, ſhould not be made of his lands and chattels, and the ſaid *G. H.* why the ſaid ſum of —— *l.* by him in form aforeſaid acknowledged, ſhould not be made of his lands and chattels, and levied to and for the uſe of the ſaid *A. B.* according to the force, form and effect of the ſaid recognizance, if it ſhall ſeem expedient for him ſo to do; and further to do and receive what our ſaid court before us ſhall conſider of them in this behalf; and have there the names of thoſe by whom you

you ſhall ſo make known to them, and this writ. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, on a recognizance taken before a commiſſioner in the country.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: Whereas *E. F.* of, *&c.* and *G. H.* of, *&c.* heretofore, to wit, on the —— day of ——, in —— term, in the —— year of our reign, came in their proper perſons, before —— a commiſſioner duly empowered to take and receive all and every ſuch recognizance or recognizances of bail or bails, as any perſon or perſons ſhall be willing or deſirous to acknowledge, or make before him, in any action or ſuit depending in our court before us, according to the form of the ſtatute in ſuch caſe made and provided; and then and there, before the ſaid ——, ſo being ſuch commiſſioner as aforeſaid, became pledges, *&c.* (ſtating the recognizance, as in the former writs); which ſaid recognizance afterwards, to wit, on the —— day of —— in the —— year of our reign, was duly tranſmitted by the ſaid —— ſo being ſuch commiſſioner as aforeſaid, to the honorable ——, then and ſtill being one of the juſtices of our ſaid court before us, at his chambers in *Serjeants'-Inn, Chancery-Lane, London*, and by him the ſaid juſtice was afterwards, to wit, in —— term, in the —— year of our reign, produced in our ſaid court before us at *Weſtminſter* aforeſaid, and then and there recorded in the ſame court; as by the record thereof, ſtill remaining in our ſaid court before us at *Weſtminſter* aforeſaid, more fully appears: And although, *&c.* (as in the former writs).

George

The like, on a recognizance taken before a judge, on error from the Common Pleas to the King's Bench.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: Whereas *E. F.* of, *&c.* and *G. H.* of, *&c.* on —— the —— day of —— in the year of our Lord 179-, came before the honorable —— one of our juſtices of the bench, at his chambers in *Serjeants'-Inn*, *Chancery-Lane*, *London*, and acknowledged, and each of them ſeparately did acknowledge himſelf to owe to *A. B.* the ſum of —— *l.* to be levied of their lands and chattels, and of the lands and chattels of each of them; which ſaid recognizance in form aforeſaid taken, our ſaid juſtice, afterwards, to wit, on —— the —— day of —— in —— term, in the —— year of our reign, delivered with his own proper hands into our ſaid court of the bench, to wit, at *Weſtminſter* in the county of *Middleſex*, to be enrolled, and the ſame was then and there, before *John* Lord *Elden* and his brethren, then our juſtices of the ſaid bench, enrolled of record in the ſame court; as by the record thereof, remaining in our ſaid court, it manifeſtly appears: which ſaid —— *l.* the ſaid *E. F.* and *G. H.* have not, nor hath either of them paid to the ſaid *A. B.* as we are informed by the ſaid *A. B.* And becauſe we are willing, that thoſe things which in our ſaid court are rightly done and acknowledged, ſhould be duly carried into execution; we command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *E. F.* and *G. H.* that they be before our juſtices at *Weſtminſter*, on ——, to ſhew if they have or know, or if either of them hath or knoweth, of any thing to ſay for themſelves or himſelf, that is to ſay, the ſaid *E. F.* why the ſaid —— *l.* by him in form aforeſaid

aforeſaid acknowledged, ſhould not be levied of his lands and chattels, and the ſaid *G. H.* why the ſaid —— *l.* by him in form aforeſaid acknowledged, ſhould not be levied of his lands and chattels, and rendered to the ſaid *A. B.* according to the form of the ſaid recognizance, if it ſhall ſeem expedient for him ſo to do; and have there the names of thoſe by whom you ſhall ſo make known to them, and this writ. Witneſs *John* Lord *Eldon* at *Weſtminſter*, the —— day of —— in the —— year of our reign.

The like, on error from the King's Bench to the Exchequer-chamber.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: Whereas *E. F.* of, *&c.* and *G. H.* of, *&c.* on the —— day of —— in the —— year of our reign, came in their proper perſons, before the honorable —— one of our juſtices aſſigned to hold pleas in our court before us, at his chambers in *Serjeants'-Inn, Chancery-Lane, London*, and according to the form of the ſtatute in ſuch caſe made and provided, acknowledged themſelves, and each of them ſeparately did acknowledge himſelf to owe to *A. B.* the ſum of —— *l.* of lawful money of *Great Britain*, to be paid to the ſaid *A. B.* his executors or aſſigns; and unleſs they ſhould ſo do, the ſaid *E. F.* and *G. H.* did grant and agree, and each of them for himſelf did grant and agree, that the ſaid ſum of —— *l.* ſhould be made of their and each of their lands and chattels, and levied to the uſe of the ſaid *A. B.* upon condition nevertheleſs, reciting that the ſaid *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, had recovered againſt *C. D.* —— *l.* for his damages which he had ſuſtained, as

well on occaſion of the not performing certain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended, whereof the ſaid *C. D.* had been convicted, as appeared of record in our ſaid court before us at *Weſtminſter*; and alſo reciting that the ſaid *C. D.* had brought a writ of error upon the judgment aforeſaid, returnable before our juſtices of the Common Bench, and barons of our exchequer of the degree of the coif, in our Exchequer-chamber at *Weſtminſter*, on —— the —— day of —— in the —— year aforeſaid; if therefore the ſaid *C. D.* ſhould proſecute the ſaid writ of error with effect, and ſhould alſo pay and ſatisfy to the ſaid *A. B.* if the ſaid judgment ſhould be affirmed, or the ſaid writ of error be diſcontinued in his default, or he ſhould be nonſuit therein, as well the damages coſts and charges aforeſaid, adjudged upon the ſaid judgment, as alſo all ſuch coſts charges and damages, as ſhould be awarded to the ſaid *A. B.* for the delay of execution of the judgment aforeſaid, by pretext of proſecuting the ſaid writ of error, then that recognizance was to be void, or elſe to be and remain in full force and virtue: Which ſaid recognizance the ſaid juſtice afterwards, to wit, on the —— day of —— in the —— year aforeſaid, brought into our ſaid court before us to be enrolled, and the ſame was then and there enrolled in our ſaid court before us, as of —— term in the —— year aforeſaid; as by the record thereof, now remaining in our ſaid court before us at *Weſtminſter* aforeſaid, manifeſtly appears; And ſuch proceedings were had on the ſaid

writ of error, in our court of Exchequer-chamber aforeſaid, before our juſtices of the Common Bench and barons of our Exchequer aforeſaid, that afterwards, to wit, on —— the —— day of —— in —— term, in the —— year of our reign, the ſaid writ of error was duly nonproſſed (or the judgment aforeſaid was in all things affirmed); and —— *l.* were then and there, in and by the ſaid court of Exchequer-chamber, adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges, which he had ſuſtained and expended, by reaſon of the delay of the execution of the judgment aforeſaid, on pretence of proſecuting the ſaid writ of error; as by the record and proceedings thereof, remitted by our ſaid juſtices and barons from the ſaid court of Exchequer-chamber, into our ſaid court before us at *Weſtminſter* aforeſaid, according to the form of the ſtatute in ſuch caſe made and provided, and now remaining in our ſaid court before us at *Weſtminſter* aforeſaid, likewiſe appears to us of record: Nevertheleſs the ſaid *C. D.* hath not yet paid to the ſaid *A. B.* the ſaid damages coſts and charges, ſo as aforeſaid adjudged upon the ſaid firſt-mentioned judgment, or the damages coſts and charges aforeſaid, ſo awarded as aforeſaid, or any part thereof; as on the information of the ſaid *A. B.* in our ſaid court before us, we have been given to underſtand: Wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf; and we being willing, that what is juſt in this behalf ſhould be done, do command you, that by good and lawful men of your bailiwick, you make known to the

the ſaid *E. F.* and *G. H.* that they be before us at *Weſtminſter*, on —— next after —— to ſhew if they have or know, or if either of them hath or knoweth, of any thing to ſay for themſelves or himſelf, why the ſaid *A. B.* ought not to have his execution againſt them, and each of them, of the ſaid ſum of ——*l.* by them jointly and ſeverally acknowledged in form aforeſaid, according to the force form and effect of the ſaid recognizance, if it ſhall ſeem expedient for him ſo to do; and further to do and receive what our ſaid court before us ſhall then and there conſider of them in this behalf; and have there then the names of thoſe by whom you ſhall ſo make known to them, and this writ. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, where the recognizance was taken in court.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: Whereas *E. F.* of, *&c.* and *G. H.* of, *&c.* on the —— day of —— in —— term, in the —— year of our reign, came into our court before us at *Weſtminſter*, in their proper perſons, and according to the form of the ſtatute in ſuch caſe made and provided, acknowledged, *&c.* (as in the laſt, omitting the enrolment of the recognizance).

Alias ſcire facias againſt bail.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: Whereas, *&c.* (as in the firſt writ, inſerting theſe words, after the command to the ſheriff, "as before we have commanded you," and altering the *teſte* and return).

Rule to appear.

A. B. againſt *E. F.* and another, bail of *C. D.* Rule on *ſcire facias.*

As yet of —— term, in the —— year of the reign of king *George* the Third. Witneſs *Lloyd* Lord *Kenyon.*

Entry of proceedings, and judgment by default in *ſcire facias* againſt bail, upon the return of *ſcire feci.*

Middleſex, to wit. Our lord the king ſent to his ſheriff of *Middleſex*, his writ cloſe in theſe words, that is to ſay: *George* the third, *&c.* (copy the *ſcire facias* to the end, and then proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſheriff, to wit, —— ſheriff of *Middleſex* aforeſaid, now here returns, that by —— and —— honeſt and lawful men of his bailiwick, he has given notice to the ſaid *E. F.* and *G. H.* ſeverally to appear before our ſaid lord the king, at the day and place in the ſaid writ mentioned, to ſhew cauſe as by the ſaid writ they are required, and as the ſaid ſheriff is therein commanded; and the ſaid *E. F.* and *G. H.* although on that day ſolemnly demanded, come not, nor doth either of them come, but make default: Therefore it is conſidered, that the ſaid *A. B.* have his execution againſt the ſaid *E. F.* and *G. H.* of the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recognizance, by the default of them the ſaid *E. F.* and *G. H.* &c.

The like, upon two *nihils* returned.

Middleſex, to wit. Our lord the king ſent to his ſheriff of *Middleſex*, his writ cloſe in theſe words, that is to ſay: *George* the Third, *&c.* (copy the firſt *ſcire facias* to the end, and proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, came

came the ſaid *A. B.* in his proper perſon; and the ſheriff, to wit, —— ſheriff of *Middleſex* aforeſaid, thereupon returned to our ſaid lord the king, that the ſaid *E. F.* and *G. H.* had not, nor had either of them any thing in the bailiwick of the ſaid ſheriff, where or by which he could give them or either of them notice, as by the ſaid writ he was commanded, nor were they the ſaid *E. F.* and *G. H.* nor was either of them, found in the ſame; and the ſaid *E. F.* and *G. H.* came not, nor did either of them come: Therefore, as before, it was commanded to the ſheriff, that by honeſt and lawful men of his bailiwick, he ſhould make known to the ſaid *E. F.* and *G. H.* that they ſhould be before our ſaid lord the king at *Weſtminſter*, on —— next after —— (the return of the *alias*) to ſhew in form aforeſaid, if, *&c.* and further, *&c.* the ſame day was given to the ſaid *A. B.* there, *&c.* At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſaid ſheriff of *Middleſex*, as before, returns that the ſaid *E. F.* and *G. H.* have not, nor hath either of them any thing in the bailiwick of the ſaid ſheriff, where or by which he can give them or either of them notice, as by the ſaid laſt-mentioned writ he is commanded, nor are they the ſaid *E. F.* and *G. H.* nor is either of them found in the ſame; and the ſaid *E. F.* and *G. H.* although on that day ſolemnly demanded, come not, nor doth either of them come, but make default: Therefore it is conſidered, that the ſaid *A. B.* have his execution againſt the ſaid *E. F.* and *G. H.* of the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recognizance, by the default of them the ſaid *E. F.* and *G. H.* &c.

The like, by original.

Therefore it is conſidered, that the ſaid *A. B.* have execution againſt the ſaid *E. F.* and *G. H.* that is to ſay, againſt the ſaid *E. F.* of the ſaid ſum of —— *l.* by him in form aforeſaid acknowledged, and againſt the ſaid *G. H.* of the ſaid ſum of —— *l.* by him in form aforeſaid acknowledged, according to the force, form and effect of the ſaid recognizance, by the default of the ſaid *E. F.* and *G. H.* &c.

The like, upon a *cognovit* by the bail.

And the ſaid *E. F.* and *G. H.* ſay, that they cannot deny the action of the ſaid *A. B.* nor but that execution ought to be adjudged to him, againſt them the ſaid *E. F.* and *G. H.* that is to ſay, againſt the ſaid *E. F.* of the ſaid ſum of —— *l.* by him in form aforeſaid acknowledged, and againſt the ſaid *G. H.* of the ſaid ſum of —— *l.* by him in form aforeſaid acknowledged, according to the force, form and effect of the ſaid recognizance, together with his coſts and charges by him about his ſuit in this behalf laid out; and hereupon the ſaid *A. B.* prays judgment, and that execution may be adjudged to him, in form aforeſaid: Therefore it is conſidered, that the ſaid *A. B.* have his execution againſt the ſaid *E. F.* and *G. H.* that is to ſay, againſt the ſaid *E. F.* of the ſaid ſum of —— *l.* by him in form aforeſaid acknowledged, and againſt the ſaid *G. H.* of the ſaid ſum of —— *l.* by him in form aforeſaid acknowledged, according to the force, form and effect of the ſaid recognizance: It is alſo conſidered by his majeſty's court here, that the ſaid *A. B.* do recover againſt the ſaid *E. F.* and *G. H.* —— *l.* for his coſts and charges by him laid out about his ſuit in this behalf, by the court of our ſaid lord the king now here

Judgment ſigned, &c.

here adjudged to the ſaid *A. B.* and with his aſſent: And the ſaid *E. F.* and *G. H.* in mercy, *&c.* Mercy.

A. B. againſt *E. F.* and another, bail of *C. D.* I appear for the bail, upon the writ of *ſcire facias* iſſued in this cauſe. Note of appearance.

Your's, *&c.*

L. M. attorney.

To Mr. *J. K.*

—— term, in the —— year of the reign of king *George* the Third. Declaration in *ſcire facias* againſt bail, upon the return of *ſcire feci.*

Middleſex, to wit. Our lord the king ſent to his ſheriff of *Middleſex*, his writ cloſe in theſe words, that is to ſay: *George* the Third, *&c.* (copy the *ſcire facias*, and proceed as before, p. 404. to the end of the ſheriff's return, and conclude as follows): And the ſaid *E. F.* and *G. H.* being ſolemnly called, come by —— their attorney; and hereupon the ſaid *A. B.* prays that execution may be adjudged to him againſt the ſaid *E. F.* and *G. H.* of the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recognizance, *&c.*

Middleſex, to wit. Our lord the king ſent to his ſheriff of *Middleſex*, his writ cloſe in theſe words, that is to ſay: *George* the Third, *&c.* (copy the firſt *ſcire facias* to the end, and proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, came the ſaid *A. B.* in his proper perſon; and the ſheriff, to wit, —— ſheriff of *Middleſex* aforeſaid, thereupon returned to our ſaid lord the king, that the ſaid *E. F.* and *G. H.* had not, nor had either of them The like, upon two *nihils* returned.

them any thing in his bailiwick, where or by which he could give them or either of them notice, as by the ſaid writ he was commanded, nor were they the ſaid *E. F.* and *G. H.* nor was either of them found in the ſame; and the ſaid *E. F.* and *G. H.* came not, nor did either of them come: Therefore, as before, it was commanded to the ſheriff, that by honeſt and lawful men of his bailiwick, he ſhould make known to the ſaid *E. F.* and *G. H.* that they ſhould be before our ſaid lord the king at *Weſtminſter*, on —— next after —— to ſhew in form aforeſaid, if, *&c.* and further, *&c.* the ſame was given to the ſaid *A. B.* there, *&c.* At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſaid ſheriff of *Middleſex*, as before, returns that the ſaid *E. F.* and *G. H.* have not, nor has either of them any thing in his bailiwick, whereby he can give them or either of them notice, as by the ſaid laſt-mentioned writ he is commanded, nor are they the ſaid *E. F.* and *G. H.* nor is either of them, found in the ſame; and the ſaid *E. F.* and *G. H.* being ſolemnly demanded, come by —— their attorney; and hereupon the ſaid *A. B.* prays that execution may be adjudged to him againſt the ſaid *E. F.* and *G. H.* of the damages (or debt and damage) aforeſaid, according to the force, form and effect of the ſaid recognizance, *&c.*

—— term, in the —— year of the reign of king *George* the Third.

Iſſue in *ſcire facias* againſt bail.

Middleſex, to wit. Our lord the king ſent to his ſheriff of *Middleſex*, his writ cloſe in theſe words, that

that is to ſay: *George* the Third, *&c.* (here copy the writ and declaration in *ſcire facias*).

And the ſaid *E. F.* and *G. H.* by —— their attorney, come and ſay that the ſaid *A. B.* ought not to have execution, *&c.* (here copy the pleadings, beginning each with a new line, and conclude with the award of the *venire facias*, in the common form.)

Entry of iſſue, and award of execution, &c. after verdict.

As yet of —— term, in the —— year of the reign of king *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

Middleſex, to wit. *A. B.* puts in his place —— his attorney, againſt *E. F.* and *G. H.* bail of *C. D.* in a plea of debt on *ſcire facias*.

Middleſex, to wit. The ſaid *E. F.* and *G. H.* put in their place —— their attorney, at the ſuit of the ſaid *A. B.* in the plea aforeſaid.

Middleſex, to wit. Our lord the king ſent to his ſheriff of *Middleſex*, his writ cloſe in theſe words, to wit: *George* the Third, *&c.* (here copy the iſſue, to the end of the award of the *venire facias*, and proceed as follows): Afterwards the proceſs thereof is continued, *&c.* (as before, p. 277, concluding as follows): Therefore it is conſidered, that the ſaid *A. B.* have his execution againſt the ſaid *E. F.* and *G. H.* of the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recognizance, *&c.*: It is alſo conſidered by his majeſty's court here, that the ſaid *A. B.* do recover againſt the ſaid *E. F.* and *G. H.* —— *l.* for his coſts and charges by him laid out about his ſuit in this behalf, on occaſion of the ſaid *E. F.* and *G. H.* having pleaded to the ſaid *ſcire facias*,

Judgment ſigned, &c.

facias, by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent: And the ſaid *E. F.* and *G. H.* in mercy, *&c.*

Mercy.

Fieri facias againſt bail to the action, in the King's Bench by bill, after default on *ſcire facias*.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: We command you, that of the goods and chattels of *E. F.* and *G. H.* the bail of *C. D.* in your bailiwick, you cauſe to be made —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* (or if in debt, "a certain debt of —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* and alſo —— *l.* which in our ſame court before us were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detaining the ſaid debt"), as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And whereupon it is conſidered in our ſame court before us, that the ſaid *A. B.* have his execution againſt the ſaid *E. F.* and *G. H.* of the damages (or debt and damages) aforeſaid, according to the force, form and effect of a certain recognizance by them the ſaid *E. F.* and *G. H.* acknowledged in our ſaid court before us, for the ſaid *C. D.* at the ſuit of the ſaid *A. B.* in the plea aforeſaid, by the default of the ſaid *E. F.* and *G. H.* as likewiſe appears to us of record; and have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid

ſaid *A. B.* for his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

The like, after plea to a *ſcire facias*.

(As before, to the end of the award of execution, without ſtating it to be by default, and then as follows:) and alſo ——*l.* which in our ſame court before us, were adjudged to the ſaid *A. B.* for his damages coſts and charges which he hath been put unto, on occaſion of the ſaid *E. F.* and *G. H.* having pleaded to our writ of *ſcire facias*, ſued out againſt them, at the ſuit of the ſaid *A. B.* in that behalf; whereof the ſaid *E. F.* and *G. H.* are convicted, as alſo appears to us of record; and have the ſaid monies before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages (or debt and damages) coſts and charges aforeſaid; and have there then this writ. Witneſs, *&c.*

Teſtatum fieri facias againſt bail to the action, in the King's Bench by bill.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas we lately commanded our ſheriff of *Middleſex*, that of the goods and chattels of *E. F.* and *G. H.* the bail of *C. D.* in his bailiwick, he ſhould cauſe to be made ——*l.* (or a certain debt of ——*l.*) *&c.* (reciting the *fieri facias*, to the end): And our ſaid ſheriff of *Middleſex*, at that day returned to us, that the ſaid *E. F.* and *G. H.* had not, nor had either of them, any goods or chattels in his bailiwick, whereof he could cauſe to be made the damages (or debt and damages) aforeſaid, or any part thereof; whereupon on the behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before

before us, that the ſaid *E. F.* and *G. H.* have ſufficient goods and chattels in your bailiwick, whereof you may cauſe to be made the damages (or debt and damages) aforeſaid, and every part thereof: Therefore we command you, that of the goods and chattels of the ſaid *E. F.* and *G. H.* in your bailiwick, you cauſe to be made the ſaid —— *l.* (or the ſaid debt of —— *l.* and the ſaid —— *l.*) the damages aforeſaid; and that you have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

The like, from one county-palatine to another, after a former *teſtatum*.

George the Third, *&c.* To our chamberlain of our county-palatine of *Cheſter*, or his deputy, greeting: Whereas by our writ we lately commanded our chancellor of our county-palatine of *Lancaſter*, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of the ſame county, he ſhould command the ſaid ſheriff, that of the goods and chattels of *E. F.* and *G. H.* the bail of *C. D.* in his bailiwick, he ſhould cauſe to be made —— *l.* (or a certain debt of —— *l.*) *&c.* (reciting the former *teſtatum fieri facias*, to the end): And our ſaid chancellor of our ſaid county-palatine of *Lancaſter*, at that day returned to us, that by another writ, under the ſeal of our ſame county-palatine duly made, and directed to the ſheriff of the ſame county, he had commanded the ſaid ſheriff, as in the ſaid firſt-mentioned writ he was commanded; which ſaid ſheriff had thereupon returned, that the ſaid *E. F.* and *G. H.* had not, nor had either of them,

them, any goods or chattels in his bailiwick, whereof he could cauſe to be made the damages (or debt and damages) aforeſaid, or any part thereof; whereupon on the behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſaid court before us, that the ſaid *E. F.* and *G. H.* have ſufficient goods and chattels in our ſaid county palatine of *Cheſter*, whereof the damages (or debt and damages) aforeſaid, and every part thereof, may be fully made: Therefore we command you, that by our writ, under the ſeal of our ſaid county-palatine of *Cheſter* to be duly made, and directed to the ſheriff of the ſame county-palatine, you command the ſaid ſheriff, that of the goods and chattels of the ſaid *E. F.* and *G. H.* in his bailiwick, he cauſe to be made the damages (or debt and damages) aforeſaid, ſo that you may have that money before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

Fieri facias againſt bail to the action in the Common Pleas, upon an award of execution, removed into the King's Bench by writ of error.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: We command you, that of the goods and chattels of *E. F.* late of, *&c.* one of the bail of *C. D.* in your bailiwick, you cauſe to be made —— *l.*, and of the goods and chattels of *G. H.* late of, *&c.* another of the bail of the ſaid *C. D.* in your bailiwick, you cauſe to be made —— *l* and have the ſaid monies before us, on —— wherefoever, *&c.* to render to *A. B.* according to the form and effect of the adjudication of execution upon a certain recognizance, by them the ſaid *E. F.* and *G. H.* acknowledged to the ſaid *A. B.* for the ſaid *C. D.* in

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our court before *John* Lord *Eldon* and his companions, our juſtices of the Bench at *Weſtminſter*; as by the record and proceedings of the adjudication of execution thereupon, which by virtue of our writ for correcting error we lately cauſed to be brought into our court before us, appears to us of record: And whereupon, in our ſaid court before us at *Weſtminſter*, it is conſidered, that the ſaid *A. B.* have his execution thereupon againſt the ſaid *E. F.* and *G. H.* of the ſaid ſeveral ſums of —— *l.* and —— *l.* by them in form aforeſaid reſpectively acknowledged, to be levied of their reſpective lands and chattels, by the default of them the ſaid *E. F.* and *G. H.* as alſo appears to us of record; and have there this writ. Witneſs, *&c.*

The like, againſt bail in error, on a recognizance taken in the Common Pleas.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: We command you, that of the goods and chattels of *E. F.* of, *&c.* and *G. H.* of, *&c.* the bail of *C. D.* in your bailiwick, you cauſe to be made —— *l.* and have that money before us on ——, whereſoever we ſhall then be in *England*, to render to *A. B.* according to the form and effect of a certain recognizance, by them the ſaid *E. F.* and *G. H.* acknowledged to the ſaid *A. B.* for the ſaid *C. D.* upon our certain writ of error, in our court before *John* Lord *Eldon* our chief-juſtice of the Bench, at his chambers ſituate in *Serjeants'-Inn*, *Chancery-Lane*, *London*; as by the record thereof, which we lately for certain reaſons cauſed to be brought into our court before us at *Weſtminſter*, appears to us of record: And whereupon it is conſidered in our ſame court before us at *Weſtminſter* afore-

aforeſaid, that the ſaid *A. B.* have his execution thereupon againſt the ſaid *E. F.* and *G. H.* for the ſaid —— *l.* by the default of them the ſaid *E. F.* and *G. H.* as alſo appears to us of record; and have there this writ. Witneſs, *&c.*

The like, on a recognizance taken in the King's Bench.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: We command you, that of the goods and chattels of *E. F.* and *G. H.* the bail of *C. D.* in your bailiwick, you cauſe to be made —— *l.* and have that money before us at *Weſtminſter*, on —— next after ——, to render to *A. B.* according to the form and effect of a certain recognizance, by them the ſaid *E. F.* and *G. H.* acknowledged to the ſaid *A. B.* for the ſaid *C. D.* upon our certain writ of error, in our ſaid court before us at *Weſtminſter* aforeſaid: And whereupon it is conſidered, in our ſaid court before us, that the ſaid *A. B.* have his execution thereupon againſt the ſaid *E. F.* and *G. H.* by the default of them the ſaid *E. F.* and *G. H.* as appears to us of record; and have there this writ. Witneſs, &c.

Capias ad ſatisfaciendum againſt bail to the action, in the King's Bench by bill, after default on *ſcire facias*.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: We command you, that you take *E. F.* and *G. H.* the bail of *C. D.* if they be found in your bailiwick, and them ſafely keep, ſo that you may have their bodies before us at *Weſtminſter*, on —— next after —— to ſatisfy *A. B.* —— *l.* which the ſaid *A. B.* lately in our court before us, recovered againſt the ſaid *C. D.* for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings then

lately made by the ſaid *C. D.* to the ſaid *A. B.* (or if in debt, "a certain debt of —— *l.* which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* and alſo —— *l.* which in our ſame court before us were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detaining of the ſaid debt"), as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And whereupon it is conſidered in our ſame court before us, that the ſaid *A. B.* have his execution againſt the ſaid *E. F.* and *G. H.* for the damages (or debt and damages) aforeſaid, according to the force, form and effect of a certain recognizance by them the ſaid *E. F.* and *G. H.* acknowledged in our ſaid court before us, for the ſaid *C. D.* at the ſuit of the ſaid *A. B.* in the plea aforeſaid, by the default of the ſaid *E. F.* and *G. H.* as alſo appears to us of record; and have there then this writ. Witneſs, &c.

The like, after plea to a *ſcire facias*.

(As in the laſt, to the end of the award of execution, without ſtating it to be by default, and then as follows:) and alſo to ſatisfy the ſaid *A. B.* —— *l.* for his damages coſts and charges which he hath been put unto, on occaſion of the ſaid *E. F.* and *G. H.* having pleaded to our writ of *ſcire facias*, ſued out againſt them, at the ſuit of the ſaid *A. B.* in that behalf; whereof the ſaid *E. F.* and *G. H.* are convicted, as alſo appears to us of record; and have there then this writ. Witneſs, &c.

George

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas we lately commanded our ſheriff of *Middleſex*, that he ſhould take *E. F.* and *G. H.* the bail of *C. D.* if they ſhould be found in his bailiwick, and them ſafely keep, ſo that he might have their bodies before us at *Weſtminſter*, on —— next after ——, to ſatisfy *A. B.* —— *l.* (or a certain debt of —— *l.*) *&c.* (reciting the *capias ad ſatisfaciendum*, to the end): And our ſaid ſheriff of *Middleſex* at that day returned to us, that the ſaid *E. F.* and *G. H.* were not, nor was either of them, found in his bailiwick; whereupon on the behalf of the ſaid *A. B.* it is ſufficiently teſtified in our ſame court before us, that the ſaid *E. F.* and *G. H.* lurk and ſecrete themſelves in your county: Therefore we command you, that you take the ſaid *E. F.* and *G. H.* if they be found in your bailiwick, and them ſafely keep, ſo that you may have their bodies before us at *Weſtminſter*, on —— next after ——, to ſatisfy the ſaid *A. B.* his damages (or debt and damages) aforeſaid; and have there then this writ. Witneſs, *&c.*

Teſtatum capias ad ſatisfaciendum againſt bail to the action, in the King's Bench.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: We command you, that you take *E. F.* and *G. H.* the bail of *C. D.* if they be found in your bailiwick, and them ſafely keep, ſo that you may have their bodies before us, on —— whereſoever we ſhall then be in *England*, to ſatisfy *A. B.* —— *l.* according to the force, form and effect of a certain recognizance, *&c.* (as before, p. 414); and have there this writ. Witneſs, *&c.*

Capias ad ſatisfaciendum againſt bail in error, on a recognizance taken in the Common Pleas.

The like, on a recognizance taken in the King's Bench.

George the Third, *&c.* To the ſheriff of *Middleſex*, greeting: We command you, that you take *E. F.* and *G. H.* the bail of *C. D.* if they be found in your bailiwick, and them ſafely keep, ſo that you may have their bodies before us at *Weſtminſter*, on —— next after ——, to ſatisfy *A. B.* —— *l.* which the ſaid *E. F.* and *G. H.* in our court before us, according to the form of the ſtatute made for avoiding unneceſſary delays of execution, acknowledged themſelves to owe to the ſaid *A. B.* to be paid to the ſaid *A. B.* his executors or aſſigns; whereof the ſaid *E. F.* and *G. H.* are convicted, as appears to us of record: And whereupon it is conſidered in our ſame court before us, that the ſaid *A. B.* have his execution thereupon againſt the ſaid *E. F.* and *G. H.* for the ſaid —— *l.*; and have there then this writ. Witneſs, *&c.*

Præcipe for *ſcire facias.*

—— to wit. *Scire facias* to revive, for *A. B.* againſt *C. D.* for —— *l.* damages (or —— *l.* debt and —— *l.* damages), returnable on, *&c.*

E. F. attorney.

Scire facias on a judgment in *aſſumpſit.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ*, and

* This and the following writs are drawn as if the former proceedings were by *bill*; if they were by *original*, ſay, "by our writ, and by the judgment of the ſame court," &c. making the writ returnable on a general return-day, whereſoever, &c. and inſtead of concluding with the words "have there then the names," &c. ſay, "have there the names," &c.

by

by the judgment of the ſame court, recovered againſt *C. D.* —— *l.* for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, yet execution of the damages aforeſaid ſtill remains to be made to him; wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he has or knows of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution againſt him, of the damages aforeſaid, according to the force, form and effect of the ſaid recovery, if it ſhall ſeem expedient for him ſo to do; and further to do and receive what our ſaid court before us ſhall then and there conſider of him in this behalf; and have there then the names of thoſe by whom you ſhall ſo make known to him, and this writ. Witneſs *Lloyd* Lord *Kenyon* at *Weſtminſter*, the —— day of —— in the —— year of our reign.

Way.

The like, in debt.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* a certain debt of —— *l.* and alſo —— *l.* which in the ſame court were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detention of the ſaid debt, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, yet execution of the debt and damages aforeſaid ſtill remains to be made to him; wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he has or knows of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution againſt him, of the debt and damages aforeſaid, according to the force, form and effect of the ſaid recovery, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.* (as in the laſt).

The like, in covenant.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt

C. D. —— *l.* for his damages which he had ſuſtained, as well on occaſion of the breach of a certain covenant made between the ſaid *A. B.* and the ſaid *C. D.* as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, *&c.*

For his damages which he had ſuſtained, as well on occaſion of a certain grievance then lately committed by the ſaid *C. D.* as for his coſts, *&c.* In caſe.

For his damages which he had ſuſtained, as well on occaſion of the taking and unjuſtly detaining of the cattle goods and chattels of the ſaid *A. B.* as for his coſts, *&c.* In replevin.

For his damages which he had ſuſtained, as well on occaſion of certain treſpaſſes then lately committed by the ſaid *C. D.* as for his coſts, *&c.* In treſpaſs.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by our writ, and by the judgment of the ſame court, recovered againſt *C. D.* his term then and yet to come of and in one meſſuage, *&c.* with the appurtenances, in the pariſh of —— in your county, which *E. F.* on the —— day of —— in the —— year of our reign, had demiſed to the ſaid *A. B.* to have and to hold the ſame to the ſaid *A. B.* and his aſſigns, from the —— day of —— then laſt paſt, for and during and unto the full end and term of —— years from thence next enſuing, and fully to be complete and ended; by virtue of which ſaid demiſe, the ſaid *A. B.* entered into the In ejectment, by original.

tenements aforeſaid with the appurtenances, and was thereof poſſeſſed, until the ſaid *C. D.* afterwards, to wit, on the —— day of —— in the —— year aforeſaid, with force and arms, *&c.* entered into the tenements aforeſaid with the appurtenances, which the ſaid *E. F.* had demiſed to the ſaid *A. B.* in manner and for the term aforeſaid, which is not yet expired, and ejected the ſaid *A. B.* from his ſaid farm; and alſo —— *l.* for the damages which the ſaid *A. B.* had ſuſtained, as well on occaſion of the treſpaſs and ejectment aforeſaid, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is convicted, as appears to us of record: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, yet execution of that judgment ſtill remains to be made to him; wherefore, *&c.* (as before): And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* that he be before us on —— wheresoever, *&c.* to ſhew if he has or knows of any thing to ſay for himſelf, (or if the judgment was againſt the caſual ejector, the ſheriff ſhould be commanded to make known to the ſaid *C. D.* and alſo to —— and —— the tenants of the tenements aforeſaid, that they be, *&c.* to ſhew if they have or know, or if either of them hath or knoweth, of any thing to ſay for themſelves or himſelf,) why the ſaid *A. B.* ought not to have the poſſeſſion of his ſaid term yet to come of and in the tenements aforeſaid with the appurtenances, and alſo execution of the damages coſts and charges aforeſaid, according to the force,

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form and effect of the ſaid recovery, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *C. D.* lately in our court before us at *Weſtminſter*, by the judgment of the ſame court recovered againſt *A. B.* —— *l.* which in the ſame court were adjudged to the ſaid *C. D.* according to the form of the ſtatute in ſuch caſe made and provided, for his coſts and charges by him laid out, in and about his defence of and in a certain plea of treſpaſs on the caſe, *&c.* (or as the plea was) before then commenced and depending in our ſame court, by and at the ſuit of the ſaid *A. B.* againſt the ſaid *C. D.* whereof the ſaid *A. B.* is convicted, *&c.* And now on the behalf of the ſaid *C. D.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, yet execution of the coſts and charges aforeſaid ſtill remains to be made to him; wherefore the ſaid *C. D.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing, *&c.* command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *A. B.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he hath or knoweth of any thing to ſay for himſelf, why the ſaid *C. D.* ought not to have his execution againſt him, of the coſts and charges aforeſaid, according to the force, form and effect of the ſaid recovery, if it ſhall be expedient for him ſo to do; and further to do and receive, *&c.*

Scire facias for the defendant, for coſts.

Scire facias to a county-palatine.

George the Third, *&c.* To our chancellor of our county-palatine of *Lancaſter*, or to his deputy there, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered, *&c.* (as before, to the mandatory part of the writ, which is as follows): command you, that by our writ under the ſeal of our ſaid county-palatine to be duly made, and directed to the ſheriff of the ſaid county-palatine, you command the ſaid ſheriff, that by good and lawful men of his bailiwick, he make known, *&c.* (as before); and have you there then the names of thoſe by whom the ſaid ſheriff ſhall ſo make known to him, and this writ. Witneſs, *&c.*

Scire facias after a former revival.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered, *&c.* (ſtating the judgment); whereof the ſaid *C. D.* is convicted, as appears to us of record; and whereupon it was afterwards conſidered in our ſaid court before us, that the ſaid *A. B.* ſhould have his execution againſt the ſaid *C. D.* of the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recovery, as alſo appears to us of record: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, and execution awarded in form aforeſaid, yet execution of the damages (or debt and damages) aforeſaid ſtill remains to be made to him; wherefore the

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ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he has or knows of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution againſt him, of the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recovery and award of execution, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

Scire facias pending error, on a judgment of the Common Pleas.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before the right honorable *John* Lord *Eldon* and his companions, then our juſtices of the Bench at *Weſtminſter*, by our writ, and by the judgment of the ſame court, recovered, *&c.* (ſtating the judgment); whereof the ſaid *A. B.* is convicted, as by the inſpection of the record and proceedings thereof, which for certain cauſes of error, we lately cauſed to be brought into our ſaid court before us, appears to us of record: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, *&c.* (as before, p. 419. making the writ returnable on a general return-day, whereſoever, *&c.*)

George

The like, on error from an inferior court.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court of —— before the judges of the ſame court, without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* —— *l.* for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* at —— in your county, and within the juriſdiction of the ſame court, as for his coſts, *&c.* whereof the ſaid *C. D.* is convicted, as by the inſpection of the record and proceedings thereof, which for certain cauſes of error, we lately cauſed to be brought into our ſaid court before us, manifeſtly appears: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, *&c.* (as in the laſt).

Scire facias, after a judgment of the Common Pleas, affirmed in the King's Bench.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before the right honorable *John* Lord *Eldon* and his companions, then our juſtices of the Bench at *Weſtminſter*, by our writ, and by the judgment of the ſame court, recovered, *&c.* (ſtating the original judgment); whereof the ſaid *C. D.* is convicted, as by the inſpection of the record and proceedings thereof, which we lately cauſed to be brought into our court before us, by virtue of our certain writ of error proſecuted by the ſaid *C. D.* of and upon the premiſes, and which now remains in our ſaid court before us, in all things affirmed, appears

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to us of record; and alſo —— *l.* which in our ſaid court before us were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained, on occaſion of the delay of execution of the judgment aforeſaid, on pretence of proſecuting our ſaid writ of error, by the ſaid *C. D.* ſo as aforeſaid proſecuted of and upon the premiſes; whereof the ſaid *C. D.* is alſo convicted, as appears to us of record: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given and affirmed in form aforeſaid, yet execution of that judgment ſtill remains to be made to him; wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* that he be before us on —— whereſoever we ſhall then be in *England*, to ſhew if he hath or knoweth of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution againſt him, of the damages coſts and charges aforeſaid, according to the force, form and effect of the recovery and adjudication aforeſaid, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

The like, after a judgment of the King's Bench, affirmed in the Exchequer-chamber.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered, *&c.* (ſtating

(ſtating the original judgment); whereof the ſaid *C. D.* is convicted, as appears to us of record; and alſo —— *l.* adjudged to the ſaid *A. B.* in our Exchequer-Chamber, according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained, on occaſion of the delay of execution of the judgment aforeſaid, on pretence of proſecuting our certain writ of error, proſecuted by the ſaid *C. D.* againſt the ſaid *A. B.* in our Exchequer-Chamber aforeſaid, before our juſtices of the Bench, and the barons of our Exchequer of the degree of the coif, according to the form of the ſtatute in ſuch caſe made and provided: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given and affirmed in form aforeſaid, yet execution of that judgment ſtill remains to be made to him; wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, we make known to the ſaid *C. D.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he hath or knoweth of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution againſt him, of the damages coſts and charges aforeſaid, according to the force, form and effect of the recovery and adjudication aforeſaid, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

George

The like, after a *non pros* on a writ of falſe-judgment.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately, to wit, at the —— county-court of —— eſquire, ſheriff of your county, held at —— in and for the ſaid county, and within the juriſdiction of the ſame court, on —— the —— day of —— in the year of our Lord 179-, before *E. F. G. H. J. K.* and *L. M.* gentlemen, freeholders of the ſaid county, and ſuitors of the ſame court, by the conſideration and judgment of the ſame court, recovered, *&c.* (ſtating the judgment in the county-court); whereof the ſaid *C. D.* is convicted, as by the record of the plaint between the ſaid *A. B.* and *C. D.* in that behalf, which we lately cauſed to be recorded in the full county aforeſaid, and the record thereof had in our court before us at *Weſtminſter*, on, *&c.* laſt paſt, under the ſeal of the ſaid —— ſheriff of the ſaid county, and the ſeals of four lawful knights of the ſame county, of ſuch as were preſent at the ſaid recording, by virtue of our writ, at the inſtance of the ſaid *C. D.* who complained that falſe judgment had been given againſt him in the ſaid county, and which ſaid writ the ſaid *C. D.* did not further proſecute in the ſame court, manifeſtly appears; nevertheleſs execution of the ſaid judgment ſtill remains to be made, as on the information of the ſaid *A. B.* in our ſaid court before us, we have been given to underſtand: And becauſe we are willing that thoſe things which in our ſaid court, and in the county-court aforeſaid, are rightly done and tranſacted, ſhould be duly carried into execution; therefore we command you, that by honeſt and lawful men of your bailiwick, you make known, *&c.*

Scire facias on the 8 & 9 *W. III.* c. 11. § 8. for further breaches, on articles of agreement.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* heretofore, to wit, in —— term, in the —— year of our reign, in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* a certain debt of —— *l.* and alſo —— *l.* which in the ſame court were adjudged to the ſaid *A. B.* for his damages which he had ſuſtained, as well on occaſion of the detaining of that debt, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* was convicted, as by the record and proceedings thereof, remaining in our ſaid court before us at *Weſtminſter* aforeſaid, manifeſtly appears: And afterwards, at this day, to wit, on —— the —— day of —— in the —— year of our reign, the ſaid *A. B.* by *E. F.* his attorney, comes into our ſaid court before us at *Weſtminſter* aforeſaid, and according to the form of the ſtatute in ſuch caſe made and provided, gives the ſame court here to underſtand and be informed, that the ſaid debt ſo by him recovered as aforeſaid, was and is a certain penal ſum of —— *l.* mentioned in certain articles of agreement, made the —— day of —— in the year of our Lord 179-, to wit, at, *&c.* between the ſaid *A. B.* (by the name and addition of, *&c.*) of the one part, and the ſaid *C. D.* (by the name and addition of, *&c.*) of the other part, (one part of which ſaid articles of agreement, ſealed with the ſeal of the ſaid *C. D.* and bearing date the day and year laſt aforeſaid, the ſaid *A. B.* now brings here into court,) by which ſaid articles of agreement, reciting, *&c.* it is witneſſed, *&c.* (ſetting forth ſo much of the articles, as is neceſſary for aſ-

ſigning the further breaches): And the ſaid *A. B.* alſo gives our ſaid court here to underſtand and be informed, that the bill of him the ſaid *A. B.* in the ſaid action, in which he ſo obtained ſuch judgment as aforeſaid, was exhibited upon the —— day of —— in the year of our Lord 179-; and that the ſaid action was brought and commenced upon and for a certain breach of the aforeſaid articles of agreement by the ſaid *C. D.* before the exhibiting of the bill aforeſaid: But the ſaid *A. B.* for further and other breaches of the ſaid articles of agreement, according to the form of the ſtatute in ſuch caſe made and provided, gives our ſaid court here to underſtand and be informed, *&c.* (aſſigning the further breaches); which ſaid ſeveral breaches of the ſaid articles of agreement ſo aſſigned, the ſaid *A. B.* doth aver and give our ſaid court here to underſtand and be informed, are further and other breaches than the breaches for and by reaſon of which he obtained the ſaid judgment ſo by him recovered as aforeſaid; and for which ſaid further and other breaches, he hath humbly beſought us to provide him a proper remedy: And we being willing that what is juſt in this behalf ſhould be done, do, according to the form of the ſtatute in ſuch caſe made and provided, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew cauſe why execution ſhould not be had and awarded againſt him, upon the ſaid judgment ſo obtained as aforeſaid, for the damages which the ſaid *A. B.* hath ſuſtained, by reaſon

reaſon of the ſaid further and other breaches of the ſaid articles of agreement, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, &c.

Scire fieri inquiry.

George the Third, &c. To the ſheriff of ——, greeting: Whereas by our writ we lately commanded you, that of the goods and chattels in your bailiwick, which were of *E. F.* deceaſed at the time of his death, in the hands and poſſeſſion of *C. D.* executor of the laſt will and teſtament of the ſaid *E. F.* (or adminiſtrator of all and ſingular the goods chattels and credits, which were of the ſaid *E. F.* at the time of his death, who died inteſtate, as it is ſaid,) to be adminiſtered, you ſhould cauſe to be made a certain debt of —— *l.* which *A B.* lately in our court before us at *Weſtminſter*, recovered, &c. (as in the writ of *fieri facias*); whereof the ſaid *C. D.* was convicted, as appeared to us of record; if the ſaid *C. D.* had ſo much thereof in his hands to be adminiſtered, and if he had not ſo much thereof in his hands to be adminiſtered, then that you ſhould cauſe the damages aforeſaid to be made of the proper goods and chattels of the ſaid *C. D.* and that you ſhould have that money before us at *Weſtminſter*, on a certain day now paſt, to render to the ſaid *A. B.* for his debt and damages aforeſaid: And you at that day returned to us, that the ſaid *C. D.* had no goods or chattels in your bailiwick, which were of the ſaid *E. F.* at the time of his death, in the hands of the ſaid *C. D.* to be adminiſtered, whereof you could cauſe to be made

made the debt and damages aforesaid, or any part thereof; and that the said *C. D.* had not any of his own proper goods or chattels in your bailiwick, whereof you could cause to be made the damages aforesaid, or any part thereof: And because the return aforesaid by you made in our said court before us, seems to be in delay of execution of the debt and damages aforesaid; and because on the behalf of the said *A. B.* in our said court before us, it is sufficiently testified, that divers goods and chattels which were of the said *E. F.* at the time of his death, to the value of the debt and damages aforesaid, after the death of the said *E. F.* came to the hands and possession of the said *C. D.* to be administered, and that the said *C. D.* hath sold and wasted those goods and chattels, and converted and disposed of the money arising therefrom to his own use; and that the said *C. D.* hath eloigned the residue of the goods and chattels which were of the said *E. F.* at the time of his death, to places to the said *A. B.* unknown, and hath converted and disposed of the said last-mentioned goods and chattels to his own use, with intent that execution thereof should not as yet be made; and because we are unwilling that those things which in our said court before us, are rightly done or adjudged, should be rendered ineffectual by fraud or subtilty; therefore we command you, that of the goods and chattels in your bailiwick, which were of the said *E. F.* at the time of his death, in the hands of the said *C. D.* to be administered, you cause to be made the debt and damages aforesaid, if they can be levied thereof; and have the money thereof levied before us at *West-*

minſter, on —— next after ——, to render to the ſaid *A. B.* for his debt and damages aforeſaid; and if they cannot be thereof levied, then if it ſhall appear to you, by the inquiſition upon oath of honeſt and lawful men of your bailiwick in this behalf to be taken, or in any other manner by which you may the better know, that the ſaid *C. D.* hath ſold, eloigned, waſted, or converted or diſpoſed of to his own uſe the goods or chattels which were of the ſaid *E. F.* at the time of his death, in the hands of the ſaid *C. D.* to be adminiſtered, to the value of the debt and damages aforeſaid, or any part thereof, that then by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he has or knows of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution againſt him, of the debt and damages aforeſaid, to be levied of the proper goods and chattels of the ſaid *C. D.* if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

Scire facias againſt an executor or adminiſtrator, on a judgment of aſſets *quando acciderint.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* executor of the laſt will and teſtament of *E. F.* deceaſed (or adminiſtrator of all and ſingular the goods chattels and credits, which were of the ſaid *E. F.* deceaſed at the time of his death, who died inteſtate) —— *l.* for his damages, *&c.* (or a certain debt of —— *l.*) to be levied of the goods and chattels which were of the ſaid *E. F.* at the time

time of his death, and which ſhould thereafter come to the hands of the ſaid *C. D.* executor (or adminiſtrator) as aforeſaid to be adminiſtered; whereof the ſaid *C. D.* was convicted, as appears to us of record: And although judgment be thereupon given, yet execution of the damages (or debt) aforeſaid, ſtill remains to be made to him; and after the judgment aforeſaid, in form aforeſaid given, divers goods and chattels which were of the ſaid *E. F.* at the time of his death, to the value of the damages (or debt) aforeſaid and more, came to and are now in the hands and poſſeſſion of the ſaid *C. D.* executor (or adminiſtrator) as aforeſaid to be adminiſtered, whereof he may ſatisfy the ſaid *A. B.* for the damages (or debt) aforeſaid, as by the information of the ſaid *A. B.* in our ſaid court before us, we have been given to underſtand; wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* executor (or adminiſtrator) as aforeſaid, that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he hath or knoweth of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have execution againſt him for the damages (or debt) aforeſaid, to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, and which ſo as aforeſaid came to and are now in the hands of the ſaid *C. D.* executor (or adminiſtrator) as aforeſaid to be adminiſtered, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

Scire facias againſt the future effects of a bankrupt, whoſe eſtate did not pay fifteen ſhillings in the pound, under a ſecond commiſſion.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered, *&c.* (as in a common *ſcire facias*, to the words "as appears to us of record"): And whereas alſo we have been informed, that after the 24th day of *June* in the year of our Lord 1732, and before the iſſuing of the ſecond commiſſion of bankrupt againſt the ſaid *C. D.* hereinafter mentioned, to wit, on, *&c.* at, *&c.* the ſaid *C. D.* became a bankrupt, within the true intent and meaning of the ſeveral ſtatutes made and now in force concerning bankrupts, or ſome or one of them; and that thereupon afterwards, to wit, on, *&c.* at, *&c.* aforeſaid, a commiſſion of bankrupt, under the great ſeal of *Great Britain*, was duly awarded and iſſued againſt the ſaid *C. D.* as by the ſaid commiſſion appears; and that the ſaid *C. D.* afterwards, to wit, on, *&c.* at, *&c.* aforeſaid, was under and by virtue of ſuch commiſſion, duly found to have become a bankrupt, before the date and iſſuing forth of the ſaid commiſſion, and was thereupon then and there declared and adjudged a bankrupt accordingly; and that the ſaid *C. D.* afterwards, to wit, on, *&c.* at, *&c.* aforeſaid, did in due manner obtain his certificate under the ſaid commiſſion of bankrupt, ſo awarded and iſſued againſt the ſaid *C. D.* as aforeſaid; and that the ſaid *C. D.* was thereupon afterwards, to wit, on, *&c.* laſt aforeſaid, at, *&c.* aforeſaid, diſcharged in that behalf, by virtue of a certain act of parliament made and paſſed in the fifth year of the reign of his late majeſty king *George* the Second, intitled "An act to prevent the

the committing of frauds by bankrupts;" and that the ſaid *C. D.* after ſuch diſcharge, to wit, on, &c. did again become bankrupt, within the true intent and meaning of the ſeveral ſtatutes made and now in force concerning bankrupts, or ſome or one of them; and that thereupon afterwards, to wit, on, &c. at, &c. aforeſaid, another commiſſion of bankrupt, under the great ſeal of *Great Britain*, was duly awarded and iſſued againſt the ſaid *C. D.* as by the ſaid laſt-mentioned commiſſion appears; and that the ſaid *C. D.* afterwards, to wit, on, &c. at, &c. aforeſaid, was under and by virtue of ſuch laſt-mentioned commiſſion, duly found to have become a bankrupt, before the date and iſſuing forth of the ſaid laſt-mentioned commiſſion, and was thereupon then and there declared and adjudged to be a bankrupt accordingly: And whereas we have been further informed, that the debt for which the judgment aforeſaid was given, became and was due and owing from the ſaid *C. D.* to the ſaid *A. B.* after the ſaid *C. D.* was diſcharged as hereinbefore-mentioned, and before the ſaid *C. D.* became bankrupt as laſt above-mentioned; and that the ſaid *C. D.* after the ſaid judgment was given in form aforeſaid, to wit, on, &c. at, &c. was charged in execution upon the ſaid judgment for the debt and damages aforeſaid, and was detained in priſon on that occaſion, until the time of his diſcharge as hereinafter-mentioned; and that the ſaid *C. D.* after the ſaid judgment was given in form aforeſaid, and after the ſaid *C. D.* was ſo charged in execution aforeſaid, to wit, on, &c. at, &c. aforeſaid, duly obtained his certificate under the ſaid laſt-mentioned com-

miſſion of bankruptcy, ſo awarded and iſſued againſt the ſaid *C. D.* as aforeſaid, and was thereupon afterwards, to wit, on, &c. diſcharged out of cuſtody on ſuch execution, by virtue of the ſaid act of parliament made and paſſed in the fifth year of the reign of his ſaid late majeſty king *George* the Second, intitled "An act to prevent the committing of frauds by bankrupts;" and the eſtate of the ſaid *C. D.* hath not at any time hitherto produced clear, after all charges, ſufficient to pay every creditor under the ſaid laſt-mentioned commiſſion, ſo awarded and iſſued againſt the ſaid *C. D.* as aforeſaid, fifteen ſhillings in the pound for their reſpective debts: And whereas alſo we have further been informed, that the ſaid *C. D.* is poſſeſſed of divers goods and chattels in your bailiwick, as of his own proper goods and chattels, which have become the goods and chattels of the ſaid *C. D.* ſince the time of his obtaining his certificate under the ſaid laſt-mentioned commiſſion of bankrupt, ſo awarded and iſſued againſt the ſaid *C. D.* as aforeſaid, whereby the ſaid *A. B.* may be ſatisfied his debt and damages aforeſaid; and the ſaid *A. B.* hath obtained no execution for the ſaid debt or damages, except as aforeſaid; whereupon the ſaid *A. B.* hath beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by good and lawful men of your bailiwick, you cauſe to be made known to the ſaid *C. D.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he has or knows of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution

cution againſt the goods and chattels which have become the goods and chattels of the ſaid *C. D.* ſince the time of his obtaining his certificate under the ſaid laſt-mentioned commiſſion of bankrupt, ſo awarded and iſſued againſt him as aforeſaid, and alſo againſt the eſtate and other effects of the ſaid *C. D.* (the tools of trade, the neceſſary houſehold goods and furniture, and neceſſary wearing apparel of the ſaid *C. D.* and his wife and children, only excepted) for the debt and damages aforeſaid, according to the force, form and effect of the ſaid recovery, and of the ſtatute in ſuch caſe made and provided, if it ſhall be expedient for him ſo to do; and further to do and receive, *&c.*

Scire facias by baron and feme, on a judgment recovered by the feme *dum ſola.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered, *&c.* whereof the ſaid *C. D.* is convicted, as appears to us of record; and afterwards, to wit, on, *&c.* at, *&c.* the ſaid *A. B.* intermarried with and took to huſband *E. F.* as by the information of the ſaid *E. F.* and *A.* his wife, in our ſaid court before us, we have been given to underſtand: And now on the behalf of the ſaid *E. F.* and *A.* his wife, we have been informed, that although judgment be thereupon given, yet execution of the damages (or debt and damages) aforeſaid ſtill remains to be made to them; wherefore the ſaid *E. F.* and *A.* his wife have humbly beſought us to provide them a proper remedy in this

behalf: And we being willing, *&c.* (as in a common *ſcire facias*, to the end.)

The like, againſt baron and feme, upon a judgment recovered againſt the feme *dum ſola.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* &c. whereof the ſaid *C. D.* is convicted, as appears to us of record; and afterwards, the ſaid *C. D.* intermarried with and took to huſband *E. F.* And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, yet execution of the damages (or debt and damages) aforeſaid, ſtill remains to be made to him; wherefore the ſaid *A. B.* hath humbly beſought us, *&c.*

The like, by the aſſignees of a bankrupt, on a judgment recovered before the bankruptcy.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered, *&c.* (ſtating the judgment); whereof the ſaid *C. D.* is convicted, as appears to us of record; and afterwards, the ſaid *A. B.* became bankrupt, within the true intent and meaning of the ſeveral ſtatutes made and then in force concerning bankrupts, or ſome or one of them; whereupon a certain commiſſion of bankrupt, under the great ſeal of *Great Britain*, was duly awarded and iſſued againſt the ſaid *A. B.* and *E. F.* was duly choſen aſſignee of the eſtate and effects of the ſaid *A. B.* under the ſaid commiſſion:

And now on the behalf of the ſaid *E. F.* aſſignee as aforeſaid, in our ſaid court before us, we have been informed, that although judgment be thereupon given, *&c.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, to wit, in —— term laſt paſt, (or in the —— year of our reign,) by bill without our writ, impleaded *C. D.* being in the cuſtody of the marſhal of our marſhalſea before us, of a plea of treſpaſs on the caſe, *&c.* (or as the plea is,) declaring in the ſame plea againſt him; for that whereas, *&c.* (here recite the declaration) to the damage of the ſaid *A. B.* of —— *l.* as he ſaid, and therefore he brought his ſuit, *&c.* And ſuch proceedings were thereupon had in our ſaid court before us at *Weſtminſter* aforeſaid, that afterwards, to wit, in that ſame —— term (or in —— term) laſt paſt, (or in the —— year aforeſaid,) it was conſidered by our ſaid court before us, that the ſaid *A. B.* ought to recover his damages on occaſion of the premiſes; and afterwards, and before the iſſuing of a writ of inquiry for aſſeſſing the ſaid damages, the ſaid *A. B.* (or *C. D.*) died, having firſt duly made and publiſhed his laſt will and teſtament in writing, and thereby conſtituted and appointed *E. F.* (or *G. H.*) executor thereof; after whoſe death the ſaid *E. F.* (or *G. H.*) duly proved the ſaid laſt will and teſtament of the ſaid *A. B.* (or *C. D.*) and took upon himſelf the burthen

Scire facias by or againſt an executor or adminiſtrator on the ſtatute 8 & 9 *W. III.* c. 11. § 6. where one of the parties dies after interlocutory judgment, and before the iſſuing of a writ inquiry.

burthen of the execution thereof, (or if the plaintiff or defendant died inteſtate, ſay, "the ſaid *A. B.* (or *C. D.*) died inteſtate, and adminiſtration of all and ſingular the goods chattels and credits which were of the ſaid *A. B.* (or *C. D.*) at the time of his death, by *John* by divine Providence, archbiſhop of *Canterbury*, primate of all *England* and metropolitan, in due form of law was granted to *E. F.* (or *G. H.*) to wit, at —— in your county;") as by the information of the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid (or of the ſaid *A. B.*) in our ſaid court before us, we have been given to underſtand: Wherefore the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid (or the ſaid *A. B.*) hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* (or to the ſaid *G. H.* executor, or adminiſtrator, as aforeſaid) that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he has or knows of any thing to ſay for himſelf, why the damages in the ſaid action ſhould not be aſſeſſed and recovered by the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, (or by the ſaid *A. B.*) according to the form of the ſtatute in ſuch caſe made and provided, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

The like, where the death happens after the iſſuing, and before the execution of the inquiry.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, to wit, in —— term laſt paſt, (or in

in the —— year of our reign,) by bill without our writ, impleaded *C. D.* being in the cuſtody of the marſhal of our marſhalſea before us, of a plea of treſpaſs on the caſe, *&c.* (or as the plea is), declaring in the ſame plea againſt him; for that whereas, *&c.* (here recite the declaration), to the damage of the ſaid *A. B.* of —— *l.* as he ſaid, and therefore he brought his ſuit, *&c.* And ſuch proceedings were thereupon had in our ſaid court before us at *Weſtminſter* aforeſaid, that afterwards, to wit, in that ſame —— term (or in —— term) laſt paſt, (or in the —— year aforeſaid,) it was conſidered by our ſaid court before us, that the ſaid *A. B.* ought to recover his damages on occaſion of the premiſes: But becauſe it was unknown to our ſaid court before us, what damages the ſaid *A. B.* had ſuſtained on occaſion of the premiſes aforeſaid; therefore we commanded you, that by the oath of twelve honeſt and lawful men of your bailiwick, you ſhould diligently inquire what damages the ſaid *A. B.* had ſuſtained, as well on occaſion of the premiſes aforeſaid, as for his coſts and charges by him about his ſuit in that behalf expended; and that the inquiſition which you ſhould thereupon take, you ſhould ſend to us at *Weſtminſter*, on —— next after —— laſt paſt, under your ſeal, and the ſeals of thoſe by whoſe oath you ſhould take that inquiſition, together with our writ to you thereupon directed; the ſame day was given to the ſaid *A. B.* at the ſame place, as by the record and proceedings thereof, remaining in our ſaid court before us at *Weſtminſter* aforeſaid, more fully and at large appears: And the ſaid *A. B.* (or *C. D.*) after interlocutory judgment had been given

given in form aforesaid, and before any assessment of damages had been made on our said writ of inquiry by us to you sent as aforesaid, for the purpose aforesaid, died, having first duly made and published his last will and testament, &c. (or died intestate, &c. as in the last precedent): Wherefore the said *E. F.* executor (or administrator) as aforesaid (or the said *C. D.*) hath humbly besought us to provide him a proper remedy in this behalf: And we being willing that what is just in this behalf should be done, command you, that by honest and lawful men of your bailiwick, you make known to the said *C. D.* (or to the said *G. H.* executor, or administrator, as aforesaid) that he be before us at *Westminster*, on —— next after ——, to shew if he has or knows of any thing to say for himself, why the damages in the said action should not be assessed, and recovered by the said *E. F.* executor (or administrator) as aforesaid, (or by the said *A. B.*) according to the form of the statute in such case made and provided, if it shall seem expedient for him so to do; and further to do and receive, &c.

The like, where the death happens after the execution, and before the return of the inquiry.

George the Third, &c. To the sheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Westminster*, to wit, in —— term last past, (or in the —— year of our reign,) by bill without our writ, impleaded *C. D.* being in the custody of the marshal of our marshalsea before us, of a plea of trespass on the case, &c. (or as the plea is), declaring in the same plea against him; for that whereas, &c. (here recite the declaration), to the damage of the said *A. B.*

A. B. of —— *l.* as he ſaid, and therefore he brought his ſuit, *&c.* And ſuch proceedings were thereupon had in our ſaid court before us at *Weſtminſter* aforeſaid, that afterwards, to wit, in that ſame —— term (or in —— term) laſt paſt, (or in the —— year aforeſaid,) it was conſidered by our ſaid court before us, that the ſaid *A. B.* ought to recover his damages on occaſion of the premiſes: But becauſe it was unknown, *&c.* (as in the laſt precedent, to the words "more fully and at large appears"): And afterwards, a certain inquiſition was taken before you, by the oath of twelve honeſt and lawful men of your bailiwick, whereby it was found that the ſaid *A. B.* had ſuſtained damages on occaſion of the premiſes, to —— *l.* beſides his coſts and charges by him about his ſuit in that behalf expended, and for thoſe coſts and charges to —— *l.* And although the ſaid damages have been aſſeſſed in form aforeſaid, yet final judgment for thoſe damages ſtill remains to be given; and the ſaid *A. B.* (or *C. D.*) after interlocutory judgment had been given, and the ſaid damages aſſeſſed in form aforeſaid, and before the return of our ſaid writ of inquiry by us to you ſent as aforeſaid, for the purpoſe aforeſaid, died, having firſt duly made and publiſhed his laſt will and teſtament, *&c.* (or died inteſtate, *&c.* as in the laſt precedent but one): Wherefore the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid (or the ſaid *A. B.*) hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing, that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *C. D.* (or to the ſaid

ſaid *G. H.* executor, or adminiſtrator, as aforeſaid,) that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he has or knows of any thing to ſay for himſelf, why the damages aforeſaid, in form aforeſaid aſſeſſed, ſhould not be adjudged to and recovered by the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, (or by the ſaid *A. B.*) according to the form of the ſtatute in ſuch caſe made and provided, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

Scire facias for a ſurviving plaintiff.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* and *C. D.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *E. F.* &c. whereof the ſaid *E. F.* is convicted, as appears to us of record; and afterwards, to wit, on, *&c.* at —— in your county, the ſaid *C. D.* died, and the ſaid *A. B.* then and there ſurvived him; as by the information of the ſaid *A. B.* in our ſaid court before us, we have been given to underſtand: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, *&c.*

The like, againſt a ſurviving defendant.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* and *E. F.* &c. whereof the ſaid *C. D.* and *E. F.*

E. F. are convicted, as appears to us of record; and afterwards the said *E. F.* died, to wit, at —— in your county, and the said *C. D.* there survived him; as by the information of the said *A. B.* in our said court before us, we have been given to understand: And now on the behalf of the said *A. B.* in our said court before us, we have been informed, that although judgment be thereupon given, *&c.*

George the Third, *&c.* To the sheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Westminster*, by bill without our writ, and by the judgment of the same court, recovered, *&c.* whereof the said *C. D.* is convicted, as appears to us of record; and afterwards, to wit, on, *&c.* at, *&c.* the said *A. B.* died, having first duly made and published his last will and testament in writing, and thereby constituted and appointed *E. F.* executor thereof; after whose death the said *E. F.* duly proved the said last will and testament of the said *A. B.* and took upon himself the burthen of the execution thereof; as by the information of the said *E. F.* in our said court before us, we have been given to understand: And now on the behalf of the said *E. F.* executor as aforesaid, in our said court before us, we have been informed, that although judgment be thereupon given, yet execution of the damages (or debt and damages) aforesaid still remains to be made to him; wherefore the said *E. F.* executor as aforesaid hath humbly besought us to provide him a proper remedy in this behalf: And we being willing, *&c.*

Scire facias for an executor.

George

The like, against an executor.

George the Third, &c. To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered, &c. whereof the ſaid *C. D.* is convicted, as appears to us of record; and afterwards the ſaid *C. D.* died, &c. (as in the laſt, to the words "execution thereof"); as by the information of the ſaid *A. B.* in our ſaid court before us, we have been given to underſtand: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, yet execution of the damages (or debt and damages) aforeſaid ſtill remains to be made to him; wherefore, &c. And we being willing, &c. command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *E. F.* executor as aforeſaid, that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he hath or knoweth of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution againſt him, of the damages (or debt and damages) aforeſaid, to be levied of the goods and chattels which were of the ſaid *C. D.* at the time of his death, in the hands of the ſaid *E. F.* to be adminiſtered, according to the force, form and effect of the ſaid recovery, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, &c.

The like, for an adminiſtrator.

George the Third, &c. To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.*

C. D. &c. whereof the ſaid *C. D.* is convicted, as appears to us of record; and afterwards, to wit, on, &c. at, &c. the ſaid *A. B.* died inteſtate; after whoſe death adminiſtration of all and ſingular the goods chattels and credits which were of the ſaid *A. B.* at the time of his death, in due form of law was granted to *E. F.* as by the information of the ſaid *E. F.* in our ſaid court before us we have been given to underſtand: And now on the behalf of the ſaid *E. F.* in our ſaid court before us we have been informed, that although judgment be thereupon given, yet execution of the damages (or debt and damages) aforeſaid ſtill remains to be made to him; wherefore the ſaid *E. F.* adminiſtrator as aforeſaid hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing, &c.

George the Third, &c. To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* &c. whereof the ſaid *C. D.* is convicted, as appears to us of record: And now on the behalf of the ſaid *A. B.* in our ſaid court before us, we have been informed, that although judgment be thereupon given, yet execution of the damages (or debt and damages) aforeſaid ſtill remains to be made to him; and the ſaid *C. D.* is ſince dead inteſtate; and adminiſtration, &c. (as in the laſt, to the words "was granted to *E. F.*") as by the information of the ſaid *A. B.* in our ſaid court before us we have been given to underſtand; wherefore, &c.: And we being willing, &c. command you, that by honeſt and lawful men

The like, againſt an adminiſtrator.

of your bailiwick, you make known to the ſaid *E. F.* adminiſtrator as aforeſaid, that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he hath or knoweth of any thing to ſay for himſelf, why the ſaid *A. B* ought not to have his execution againſt him, of the damages (or debt and damages) aforeſaid, to be levied of the goods and chattels which were of the ſaid *C. D.* at the time of his death, in the hands of the ſaid *E. F.* to be adminiſtered, according to the force, form and effect of the ſaid recovery, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

Scire facias againſt tertenants.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* &c. whereof the ſaid *C. D.* is convicted, as appears to us of record: And although judgment be thereupon given, yet execution of the damages (or debt and damages) aforeſaid ſtill remains to be made to the ſaid *A. B.* and the ſaid *C. D.* is ſince dead, as by the information of the ſaid *A. B.* in our ſaid court before us, we have been given to underſtand; wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the tenants of all the lands and tenements in your bailiwick, of which the ſaid *C. D.* or any perſon

perſon or perſons in truſt for him, was or were ſeized on —— next after —— in —— term, in the —— year of our reign, on which day the judgment aforeſaid was given, or at any time after, that they be before us at *Weſtminſter*, on —— next after ——, to ſhew if they have or know of any thing to ſay for themſelves, why the damages (or debt and damages) aforeſaid ought not to be made of thoſe lands and tenements, and rendered to the ſaid *A. B.* according to the force, form and effect of the ſaid recovery, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

The like, againſt a ſurviving defendant, and the heir and tertenants of another.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* and *E. F.* &c. (ſtating the judgment) whereof the ſaid *C. D.* and *E. F.* were convicted, as appears to us of record; And although judgment be thereupon given, yet execution of the damages (or debt and damages) aforeſaid ſtill remains to be made to the ſaid *A. B.* and the ſaid *C. D.* is ſince dead, as by the information of the ſaid *A. B.* in our ſaid court before us we have been given to underſtand; wherefore the ſaid *A. B.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the heir of the ſaid *C. D.* and alſo to the tenants of all the lands and tenements in your bailiwick, of which the ſaid *C. D.* or any perſon or perſons in

truſt for him, was or were ſeiſed on —— next after —— in the —— year of our reign, on which day the judgment aforeſaid was given, or at any time after, and alſo to the ſaid *E. F.* that they be before us, on —— next after ——, that is to ſay, the ſaid heir and tertenants to ſhew if they have or know of any thing to ſay for themſelves, why the damages (or debt and damages) aforeſaid ought not to be levied on a moiety of thoſe lands and tenements, and the ſaid *E. F.* to ſhew if he has or knows of any thing to ſay for himſelf, why the damages (or debt and damages) aforeſaid ought not to belevied on the goods and chattels of him the ſaid *E. F.* (except the oxen and beaſts of his plough), and alſo a moiety of all the lands and tenements, of which the ſaid *E. F.* or any perſon or perſons in truſt for him, was or were ſeiſed on the ſaid —— next after —— in the —— year aforeſaid, on which day the judgment aforeſaid was given, or at any time after, according to the force, form and effect of the recovery aforeſaid, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

Scire facias for the reſidue, by an executor or adminiſtrator, againſt the heirs and tertenants of ſeveral defendants.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* deceaſed lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* and *E. F.* —— *l.* for his damages, (or a certain debt of —— *l.*) *&c.* whereof the ſaid *C. D.* and *E. F.* were convicted, as appears to us of record: And whereas for having execution of the judgment aforeſaid, we lately by our writ commanded our ſheriff of —— that of the goods and

and chattels of the ſaid *C. D.* and *E. F.* in his bailiwick, he ſhould cauſe to be made the damages (or debt and damages) aforeſaid; and that he ſhould have that money, *&c.* (as in a *fieri facias*): And our ſaid ſheriff of —— at that day returned to us, that by virtue of the ſaid writ to him directed, he had cauſed to be made of the goods and chattels of the ſaid *C. D.* and *E. F.* the ſum of —— *l.* parcel of the damages (or debt and damages) aforeſaid, which money he had ready before us, at the day and place in the ſaid writ mentioned, to render to the ſaid *A. B.* in part ſatisfaction of his damages (or debt and damages) aforeſaid; and that the ſaid *C. D.* and *E. F.* had not, nor had either of them, any other or more goods or chattels in his bailiwick, whereof he could cauſe to be made the reſidue of the damages (or debt and damages) aforeſaid, or any part thereof: And although judgment be thereupon given, yet execution for —— *l.* being the reſidue of the damages (or debt and damages) aforeſaid, ſtill remains to be made; and as well the ſaid *A. B.* as the ſaid *C. D.* and *E. F.* after the giving of the judgment aforeſaid, reſpectively died, as by the information of *G. H.* executor of the laſt will and teſtament of the ſaid *A. B.* (or adminiſtrator of all and ſingular the goods chattels and credits which were of the ſaid *A. B.* deceaſed at the time of his death, who died inteſtate, or with the will of the ſaid *A. B.* annexed) we are given to underſtand; wherefore the ſaid *G. H.* executor (or adminiſtrator) as aforeſaid, hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, com-

mand you, that by honeſt and lawful men of your bailiwick, you make known to *J. K.* the ſon and heir of the ſaid *C. D.* and the tenants of all and ſingular the lands and tenements in your bailiwick, whereof the ſaid *C. D.* on the —— day of —— in the —— year of our reign, on which day the judgment aforeſaid was given, or ever afterwards was ſeiſed in fee-ſimple, that they be before us at *Weſtminſter*, on —— next after ——, to ſhew if they have or know, or if either of them hath or knoweth, of any thing to ſay for themſelves or himſelf, why the ſaid —— *l.* ought not to be made of thoſe lands and tenements, and rendered to the ſaid *G. H.* executor (or adminiſtrator) as aforeſaid, for the reſidue of the damages (or debt and damages) aforeſaid, according to the form and effect of the ſaid recovery, if it ſhall ſeem expedient for him ſo to do; and alſo that by honeſt and lawful men of your bailiwick, you make known to the heir and tenants of all and ſingular the lands and tenements in your bailiwick, whereof the ſaid *E. F.* on the ſaid —— day of —— in the —— year aforeſaid, on which day the judgment aforeſaid was given, or ever afterwards, was ſeiſed in fee-ſimple, that they be before us at *Weſtminſter*, on the ſaid —— next after ——, to ſhew if they have or know, or if either of them hath or knoweth, of any thing to ſay for themſelves or himſelf, why the ſaid —— *l.* ought not to be made of thoſe laſt-mentioned lands and tenements, and rendered to the ſaid *G. H.* executor (or adminiſtrator) as aforeſaid, for the reſidue of the damages (or debt and damages) aforeſaid, according to the form and effect of the ſaid recovery, if it ſhall

ſeem

ſeem expedient for him ſo to do; and further to do and receive what our ſaid court before us ſhall then and there conſider of the ſaid ſeveral and reſpective heirs and tertenants in this behalf; and have there then the names of thoſe by whom you ſhall ſo make known to them, and this writ. Witneſs, *&c.*

Return of *ſcire feci.*

By virtue of this writ to me directed, by *G. H.* and *J. K.* honeſt and lawful men of my bailiwick, I have given notice to the within-named *C. D.* to be and appear before the lord the king, at the day and place within-contained, to ſhew, *&c.* as by the ſaid writ he is required, and as I am within commanded,

The anſwer of —— ſheriff.

Nihil.

The within-named *C. D.* hath not any thing in my bailiwick, where or by which I can give him notice, as I am within commanded; nor is the ſaid *C. D.* found in the ſame.

The anſwer, *&c.*

Scire feci as to one, and *nihil* as to another.

By virtue of this writ to me directed, by *G. H.* and *J. K.* honeſt and lawful men of my bailiwick, I have given notice to the within-named *C. D.* to be and appear before the lord the king, at the day and place within-contained, to ſhew, *&c.* as by the ſaid writ he is required, and as I am within commanded: But the within-named *E. F.* hath not any thing in my bailiwick, where or by which I can give him

notice, as I am within commanded; nor is the ſaid *E. F.* found in the ſame.

The anſwer, &c.

Return to a *ſcire fieri* inquiry.

The within-named *E. F.* has no goods or chattels, which were of the within-named *C. D.* deceaſed at the time of his death, in the hands of the ſaid *E. F.* to be adminiſtered, in my bailiwick, whereof I can cauſe to be made the damages (or debt and damages) within-written, or any part thereof; but the ſaid *E. F.* after the death of the ſaid *C. D.* had divers goods and chattels, which were of the ſaid *C. D.* at the time of his death, in his hands to be adminiſtered, to the value of the damages (or debt and damages) within-written; which ſaid goods and chattels the ſaid *E. F.* afterwards, and before the coming of this writ to me, ſold, waſted, eloigned and converted to his own uſe, as appears by a certain inquiſition taken before me in this behalf, on the oath of honeſt and lawful men of my ſaid bailiwick, and to this writ annexed: And I further certify, that the ſaid *E. F.* hath nothing in my bailiwick, where or by which I can make known to him, as by the ſaid writ I am commanded; nor is he found in the ſame: The reſidue of the execution of this writ appears in a certain inquiſition, hereunto annexed.

The anſwer, &c.

Inquiſition.

An inquiſition indented, taken at —— on the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, now king of *Great Britain*, &c. before —— ſheriff of the county aforeſaid, by virtue of a writ of our ſaid lord the king directed

directed to the ſaid ſheriff, and to this inquiſition annexed, to inquire of and upon certain matters in the ſaid writ contained and ſpecified, by the oath of *G. H.* &c. honeſt and lawful men of the bailiwick of the ſaid ſheriff, who upon their oath aforeſaid ſay, that *E. F.* in the ſaid writ named, after the death of the ſaid *C. D.* in the ſaid writ alſo named, had divers goods and chattels which were of the ſaid *C. D.* at the time of his death, in the hands of him the ſaid *E. F.* to be adminiſtered, to the value of the damages (or debt and damages) in the ſaid writ ſpecified; which ſaid goods and chattels the ſaid *E. F.* hath ſold, waſted, eloigned and converted to his own uſe: In witneſs whereof, as well the ſaid ſheriff, as the jurors aforeſaid, have cauſed their ſeals to be affixed to this inquiſition, the day and year above-mentioned.

Nihil to a *ſcire facias* againſt an heir and tertenants.

I do hereby certify, that there is no heir, nor are there any tenants, nor is there any tenant of any lands or tenements in my bailiwick, whereof the within-named *C. D.* on the day of giving the within-mentioned judgment, or ever afterwards, was ſeiſed in fee-ſimple, to whom I can make known, as by the ſaid writ I am commanded.

The anſwer, *&c.*

Nihil as to the heir, and *ſcire feci* to the tertenants of one defendant; and *nihil* as to the heir and tertenants of another.

The execution of this writ appears in the ſchedule, hereto annexed.

The anſwer, *&c.*

J. K. in the annexed writ named, hath nothing in my bailiwick, where or by which I can make known to him, as by the ſaid writ I am commanded; nor

nor is the ſaid *J. K.* found in the ſame: And I have by —— and —— good and lawful men of my bailiwick, given notice to *L. M.* tenant of —— meſſuages, *&c.* with the appurtenances, in the pariſh of —— in my bailiwick, alſo to *N. O.* tenant of —— acres of land, *&c.* with the appurtenances, in the ſaid pariſh of —— in my bailiwick, *&c.* which were the meſſuages, lands and tenements of the ſaid *C. D.* in the ſaid writ named in his life-time, on the day of giving the judgment in the ſaid writ mentioned, of which the ſaid *C. D.* then and after was ſeiſed in fee-ſimple, to be before the lord the king, at the day and place in the ſaid writ contained, to ſhew in manner therein-mentioned: And I do hereby further certify, that there are no tenants, nor is there any tenant of any other lands or tenements in my bailiwick, whereof the ſaid *C. D.* on the day of giving the ſaid judgment, or ever afterwards, was ſeiſed in fee-ſimple, to whom I can make known, as by the ſaid writ I am alſo commanded: And I do hereby alſo certify, that there is no heir, nor are there any tenants, nor is there any tenant of any lands or tenements in my bailiwick, whereof *E. F.* in the annexed writ named, on the day of giving the ſaid judgment, or ever afterwards, was ſeiſed in fee-ſimple, to whom I can make known, as by the ſaid writ I am alſo commanded.

The anſwer, *&c.*

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas, *&c.* (as in the firſt writ, inſerting theſe words, after the return to the ſheriff, "as before we have commanded you," and altering the *teſte* and return). *Alias ſcire facias.*

A. B. againſt *C. D.* Rule to appear.

Rule on *ſcire facias.*

As yet of —— term, in the —— year of the reign of King *George* the Third. Witneſs *Lloyd* Lord *Kenyon.* Entry of proceedings, and judgment by default in *ſcire facias*, upon the return of *ſcire feci.*

—— (to wit). Our lord the king ſent to his ſheriff of ——, his writ cloſe in theſe words, that is to ſay: *George* the Third, *&c.* (here copy the *ſcire facias* to the end, and proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſheriff, to wit, —— ſheriff of —— aforeſaid, now here returns, that by —— and —— honeſt and lawful men of his bailiwick, he has given notice to the ſaid *C. D.* to appear before our ſaid lord the king, at the day and place in the ſaid writ contained, to ſhew cauſe as by the ſaid writ he is required, and as the ſaid ſheriff is therein commanded; and the ſaid *C. D.* although on that day ſolemnly demanded, comes not, but makes default: Therefore it is conſidered, that the ſaid *A. B.* have his execution againſt the ſaid *C. D.* [illegible] damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recovery, by the default of the ſaid *C. D.* &c.

—— (to

The like, upon two *nihils* returned.

—— (to wit). Our lord the king ſent to his ſheriff of ——, his writ cloſe in theſe words, that is to ſay: *George* the Third, *&c.* (here copy the firſt *ſcire facias* to the end, and proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, came the ſaid *A. B.* in his proper perſon; and the ſheriff, to wit, —— ſheriff of —— aforeſaid, thereupon returned to our ſaid lord the king, that the ſaid *C. D.* had not any thing in his bailiwick, where or by which he could make known to him, as by the ſaid writ he was commanded, nor was he found in the ſame; and the ſaid *C. D.* came not: Therefore, as before, it was commanded to the ſheriff, that by honeſt and lawful men of his bailiwick, he ſhould make known to the ſaid *C. D.* that he ſhould be before our ſaid lord the king at *Weſtminſter*, on —— next after ——, (the return of the *alias*,) to ſhew in form aforeſaid, if, *&c.* and further, *&c.* the ſame day was given to the ſaid *A. B.* there, *&c.*: At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſaid ſheriff of ——, as before returns, that the ſaid *C. D.* hath not any thing in his bailiwick, where or by which he can make known to him, as by the ſaid laſt-mentioned writ he is commanded, nor is he found in the ſame; and the ſaid *C. D.* although on that day ſolemnly called, comes not, but makes default: Therefore it is conſidered, that the ſaid *A. B.* have his execution againſt the ſ[illegible]*D.* for the damages (or debt and damages) afo[illegible] according to the force, form and effect

effect of the ſaid recovery, by the default of the ſaid *C. D.* &c.

The like, by an executor or adminiſtrator, on the ſtatute 8 & 9 *W. III.* c. 11. § 6.

—— (to wit). Our lord the king ſent to his ſheriff of ——, his writ cloſe in theſe words, that is to ſay: *George* the Third, *&c.* (here copy the *ſcire facias* to the end, and proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, in his proper perſon; and the ſheriff, to wit, —— ſheriff of —— aforeſaid, now here returns, that the ſaid *C. D.* hath not any thing in his bailiwick, where or by which he can give him notice, as by the ſaid writ he is commanded, nor is the ſaid *C. D.* found in the ſame; and the ſaid *C. D.* comes not: Therefore, as before, the ſheriff is commanded, that by good and lawful men of his bailiwick, he make known to the ſaid *C. D.* that he be before our ſaid lord the king at *Weſtminſter*, on —— next after ——, to ſhew in form aforeſaid, if, *&c.* and further, *&c.* the ſame day is given to the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, at the ſame place: At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, in his proper perſon; and the ſaid ſheriff of ——, as before returns, that the ſaid *C. D.* hath not any thing in his bailiwick, where or by which he can give him notice, as by the ſaid laſt-mentioned writ he is commanded, nor is the ſaid *C. D.* found in the ſame; and the ſaid *C. D.* being ſolemnly demanded, comes not, but makes default: And hereupon the ſaid

E. F. executor (or adminiſtrator) as aforeſaid, prays that the damages in the ſaid action may be aſſeſſed, (or that the damages aforeſaid, in form aforeſaid aſſeſſed, may be adjudged to) and recovered by him the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, according to the form of the ſtatute in ſuch caſe made and provided: Therefore it is conſidered, that the damages aforeſaid be aſſeſſed, (or adjudged to) and recovered by the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, according to the form of the ſtatute aforeſaid, by the default of the ſaid *C. D.* &c.: And becauſe it is unknown to the court of our ſaid lord the king now here, what damages the ſaid *A. B.* in his life-time ſuſtained, on occaſion of the premiſes; therefore the ſheriff is commanded, that by the oath of twelve honeſt and lawful men of his bailiwick, he diligently inquire, what damages the ſaid *A. B.* in his life-time ſuſtained, as well by reaſon of the premiſes, as for his coſts and charges by him laid out about his ſuit in this behalf; and the inquiſition which the ſaid ſheriff ſhall thereupon take, he make appear to our ſaid lord the king at *Weſtminſter*, on —— next after ——, under his ſeal, and the ſeals of thoſe by whoſe oath he ſhall take the ſaid inquiſition, together with the writ of our ſaid lord the king to him thereupon directed; the ſame day is given to the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, at the ſame place: At which day, before our ſaid lord the king at *Weſtminſter* aforeſaid, comes the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, in his proper perſon; and the ſheriff of —— aforeſaid now here returns,

a certain

a certain inquiſition indented, taken before him at, *&c.* on —— the —— day of —— in the —— year of the reign of our ſaid lord the king, by the oath of twelve honeſt and lawful men of his bailiwick; by which it is found, that the ſaid *A. B.* in his life-time ſuſtained damages by reaſon of the premiſes, beſides his coſts and charges by him laid out about his ſuit in this behalf, to —— *l.* and for thoſe coſts and charges to —— *l.* Therefore it is conſidered, that the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, do recover againſt the ſaid *C. D.* the damages aforeſaid, by the ſaid inquiſition in form aforeſaid aſſeſſed, and alſo —— *l.* for the coſts and charges of this ſuit, by the court of our ſaid lord the king now here adjudged of increaſe to the ſaid *E. F.* executor (or adminiſtrator) as aforeſaid, and with his aſſent; which ſaid damages, coſts and charges in the whole amount to —— *l.* And the ſaid *C. D.* in mercy, *&c.*

Judgment ſigned, &c.

Mercy.

A. B. againſt *C. D.*

Note of appearance.

I appear for the defendant, upon the writ of *ſcire facias* iſſued in this cauſe.

Yours, *&c.*

G. H. attorney.

To Mr. *E. F.*

—— term, in the —— year of the reign of king *George* the Third.

Declaration in *ſcire facias*, upon the return of *ſcire feci*.

—— (to wit). Our lord the king ſent to his ſheriff of ——, his writ cloſe in theſe words, that is to ſay: *George* the Third, *&c.* (copy the *ſcire facias*, and proceed as before, p. 459. to the end of the ſheriff's

ſheriff's return, and conclude as follows): and the ſaid *C. D.* being ſolemnly demanded, comes by *G. H.* his attorney: And hereupon the ſaid *A. B.* prays that execution may be adjudged to him, againſt the ſaid *C. D.* of the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recovery, *&c.*

The like, againſt three defendants, where one appears, and the others make default.

—— (to wit). Our lord the king ſent to his ſheriff of ——, his writ cloſe in theſe words, that is to ſay: *George* the Third, *&c.* (here copy the *ſcire facias* to the end, and proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* in his proper perſon; and the ſheriff, to wit, —— ſheriff of —— aforeſaid, now here returns, *&c.* (as in the laſt): And the ſaid *C. D. E. F.* and *G. H.* being ſolemnly demanded, the ſaid *G. H.* comes in his proper perſon; but the ſaid *C. D.* and *E. F.* do not, nor does either of them come, but make default: And hereupon the ſaid *A. B.* prays that execution may be adjudged to him for the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recovery, *&c.*: But becauſe it is convenient, that there ſhould be but one award of execution in this behalf; therefore let all further proceedings againſt the ſaid *C. D.* and *E. F.* be ſtayed, until it ſhall be determined, whether execution ought to be awarded againſt the ſaid *G. H.* &c.

The like, on two *nihils* returned.

—— (to wit). Our lord the king ſent to his ſheriff of ——, his writ cloſe in theſe words, that is to ſay:

ſay: *George* the Third, &c. (here copy the firſt *ſcire facias*, and proceed as before, p. 460. to the end of the ſecond return of *nihil*, and conclude as follows); and the ſaid *C. D.* being ſolemnly demanded, comes by —— his attorney: And hereupon the ſaid *A. B.* prays that execution may be adjudged to him, againſt the ſaid *C. D.* of the damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recovery, &c.

The like, againſt an executor.

(As in the laſt, to the prayer of execution, which is as follows:) And hereupon the ſaid *A. B.* prays that execution may be adjudged to him, againſt the ſaid *C. D.* as executor as aforeſaid, for the damages (or debt and damages) aforeſaid, to be levied of the goods and chattels which were of the ſaid *E. F.* at the time of his death, in the hands of the ſaid *C. D.* to be adminiſtered, according to the force, form and effect of the ſaid recovery, &c.

Declaration in *ſcire facias* for the reſidue, by an executor or adminiſtrator, againſt the heirs and tertenants of ſeveral defendants; where the heir of one defendant appears, and the tertenants make default, on the return of *ſcire feci*; and two *nihils* are returned, as to the heir and tertenants of the other defendant.

—— to wit. Our lord the king ſent to his ſheriff of —— his writ cloſe in theſe words, that is to ſay: *George* the Third, &c. (here copy the firſt writ of *ſcire facias* to the end, and proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *G. H.* executor (or adminiſtrator) as aforeſaid, by —— his attorney; and the ſheriff, to wit, —— ſheriff of —— aforeſaid, thereupon certifies and returns to our ſaid lord the king, that *J. K.* in the ſaid writ named, had nothing in his bailiwick, &c. (here recite the ſheriff's return, *quod vide ante*, p. 457, 8.): And the ſaid *J. K.* at the

ſame day being ſolemnly demanded, comes by —— his attorney; but the ſaid *L. M.* &c. although ſolemnly demanded, come not, but make default: Therefore it is conſidered, that the ſaid *G. H.* executor (or adminiſtrator) as aforeſaid, have his execution againſt the ſaid *L. M.* &c. of the ſaid —— *l.* reſidue of the damages (or debt and damages) aforeſaid, to be levied of the meſſuages, lands and tenements, whereof they are returned tenants as aforeſaid, according to the force, form and effect of the ſaid recovery, by the default of the ſaid *L. M.* &c.: But let the ſaid execution be ſtayed, until it be determined, whether the ſaid *G. H.* executor (or adminiſtrator) as aforeſaid, ought to have execution againſt the ſaid *J. K.* of the ſaid —— *l.* reſidue, *&c.* And the heir and tenants of all and ſingular the lands and tenements whereof the ſaid *E. F.* was ſeiſed as aforeſaid, although ſolemnly demanded, come not, but make default: Therefore, as before, the ſheriff is commanded, that by honeſt and lawful men of his bailiwick, he make known to the heir and tenants of all and ſingular the lands and tenements in his bailiwick, whereof the ſaid *E. F.* on the ſaid —— day of —— in the —— year aforeſaid, on which day the judgment aforeſaid was given, or ever afterwards, was ſeiſed in fee-ſimple, that they be before our ſaid lord the king at *Weſtminſter*, on —— next after ——, to ſhew in form aforeſaid, if, *&c.* and further, *&c.* the ſame day is given to the ſaid *G. H.* executor (or adminiſtrator) as aforeſaid, and alſo to the ſaid *J. K.* at the ſame place: At which day, before our ſaid lord the king at *Weſtminſter*, come as well the ſaid *G. H.* executor (or admi-

adminiſtrator) as aforeſaid, as the ſaid *J. K.* by their reſpective attornies aforeſaid; and the ſheriff of —— aforeſaid now here certifies and returns to our ſaid lord the king, that there is no heir, nor are there any tenants, nor is there any tenant of any lands or tenements in his bailiwick, whereof the ſaid *E. F.* in the ſaid writ named, on the day of giving the judgment in the ſaid writ mentioned, or ever afterwards, was ſeiſed in fee-ſimple, to whom the ſaid ſheriff can make known, as by the ſaid laſt-mentioned writ he is commanded; and the ſaid laſt-mentioned heir and tenants, although ſolemnly demanded, come not, but again make default: And thereupon the ſaid *G. H.* executor (or adminiſtrator) as aforeſaid, prays that execution may be adjudged to him againſt the ſaid *J. K.* of the ſaid —— *l.* reſidue of the damages (or debt and damages) aforeſaid, to be levied of the lands and tenements, whereof the ſaid *J. K.* on the ſaid —— day of —— in the —— year aforeſaid, on which day the judgment aforeſaid was given, or ever afterwards, was ſeiſed in fee-ſimple, and which have deſcended and come to the ſaid *J. K.* as the heir of the ſaid *C. D.* according to the force, form and effect of the ſaid recovery, *&c.*

The iſſue in *ſcire facias* on judgments, is ſimilar to that againſt bail, for which *vide ante*, p. 408, 9. and for writs of execution, after *ſcire facias* by or againſt executors or adminiſtrators, *vide ante*, p. 303, 4.

Præcipe for writ of error *coram nobis.*

—— to wit. Writ of error, *coram nobis*, for *C. D.* at the ſuit of *A. B.* (or if by plaintiff, for *A. B.* againſt *C. D.*) on a judgment in caſe (or as the judgment is), returnable on, *&c.*

G. H. attorney.

—— 179-.

Writ of error *coram nobis.*

George the Third, *&c.* To our juſtices aſſigned to hold pleas in our court before us, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was in our court before us, by bill, between *A. B.* and *C. D.* of a plea of treſpaſs on the caſe, (or of a certain debt, which the ſaid *A. B.* demanded of the ſaid *C. D.*) as it is ſaid, which ſaid record and proceedings now remain before us as it is ſaid, manifeſt error hath intervened, to the great damage of the ſaid *C. D.* (or if the writ of error be brought by *baron* and *feme*, on a judgment againſt the *feme*, " to the great damage of *E. D.* and the ſaid *C.* his wife,") as by his (or their) complaint we are informed; We being willing that the error, if any there be, ſhould in due manner be corrected, and full and ſpeedy juſtice done to the parties aforeſaid in this behalf, do command you, that if judgment be thereupon given, then the record and proceedings aforeſaid being inſpected, you cauſe to be further done thereupon, for correcting that error, what of right, and according to the law and cuſtom of *England*, ought to be done. Witneſs ourſelf at *Weſtminſter*, the —— day of —— in the —— year of our reign.

George

George the Third, *&c.* To our juſtices aſſigned to hold pleas in our court before us, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was in our court before *John* Lord *Eldon* and his companions our juſtices of the bench, by our writ, between *A. B.* and *C. D.* late of, *&c.* of a plea of treſpaſs on the caſe (or as the plea is), as it is ſaid, which ſaid record and proceedings, by reaſon of error happening therein, we have cauſed to be brought and the ſame now remain before us, as it is ſaid, manifeſt error hath intervened, to the great damage of *E. F.* adminiſtrator of all and ſingular the goods chattels and credits, which were of the ſaid *A. B.* who is dead inteſtate, as it is ſaid, as by the complaint of the ſaid *E. F.* we are informed: We being willing that the error, if any there be, ſhould be in due manner corrected, and full and ſpeedy juſtice done to the parties aforeſaid in this behalf, do command you, *&c.* (as before).

The like, after an abatement of a former writ.

It is ordered, that the writ of error iſſued between the parties in this cauſe, be allowed; and upon the plaintiff in error putting in and juſtifying his bail within four days next enſuing, that further proceedings be ſtayed on the judgment in the original action, until the ſaid writ of error now depending between the parties, be determined.

By the court.

Rule of allowance, on a writ of error *coram nobis*.

—— to wit. Writ of error for *C. D.* at the ſuit of *A. B.* (or for *A. B.* againſt *C. D.*) on a judgment in

Præcipe for writ of error, from the Common Pleas to the King's Bench.

in caſe (or as the judgment is) in the common pleas, returnable, &c.

G. H. attorney.

—— 179-.

Writ of error from the Common Pleas to the King's Bench.

George the Third, &c. To our right truſty and well-beloved *John* Lord *Eldon*, our chief-juſtice of the bench, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was in our court before you and your companions our juſtices of the bench, by our writ, between *A. B.* and *C. D.* late of, &c. of a plea of treſpaſs on the caſe (or as the plea is), manifeſt error hath intervened, to the great damage of the ſaid *C. D.* as by his complaint we are informed: We being willing that the error, if any there be, ſhould in due manner be corrected, and full and ſpeedy juſtice done to the parties aforeſaid in this behalf, do command you, that if judgment be thereupon given, then you ſend to us diſtinctly and openly, under your ſeal, the record and proceedings of the plaint aforeſaid, with all things concerning the ſame, and this writ, ſo that we may have them on —— whereſoever we ſhall then be in *England*, that the record and proceedings aforeſaid being inſpected, we may cauſe to be further done thereupon, for correcting that error, what of right, and according to the law and cuſtom of *England*, ought to be done. Witneſs ourſelf, &c.

The like, in debt *qui tam.*

George the Third, &c. To our right truſty and well-beloved *John* Lord *Eldon*, our chief-juſtice of the bench, greeting: Becauſe in the record and proceedings,

ceedings, and alſo in the giving of judgment, in a plaint which was in our court before you and your companions our juſtices of the bench, by our writ, between *A. B.* who proſecutes as well for us as for himſelf, and *C. D.* late of, *&c.* of a plea that the ſaid *C. D.* ſhould render to us and the ſaid *A. B.* —— *l.* as it is ſaid manifeſt error hath intervened, *&c.* (as in the laſt).

The like, from an inferior court to the King's Bench.

George the Third, *&c.* To the judges of our court of our palace at *Weſtminſter*, and to each of them, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was before you, in the court of our palace aforeſaid, without our writ, between *A. B.* and *C. D.* of a plea of treſpaſs on the caſe (or as the plea is), as it is ſaid, manifeſt error hath intervened, *&c.* (as in the laſt, to the end).

Præcipe for writ of error, from the King's Bench to the Exchequer-chamber.

—— to wit. Writ of error for *C. D.* at the ſuit of *A. B.* (or for *A. B.* againſt *C. D.*) on a judgment in caſe (or as the judgment is), in the King's Bench by bill, returnable, *&c.*

G. H. attorney.

—— 179-.

Writ of error from the King's Bench to the Exchequer-chamber.

George the Third, *&c.* To our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, greeting: Whereas by a ſtatute made in the parliament of the Lady *Elizabeth*, late queen of *England*, held at *Weſtminſter*, the 23d day of *November* in the twenty-ſeventh year of her reign, it was, among

other things, enacted, by the authority of the ſame parliament, that where any judgment ſhould at any time thereafter be given in the court of King's Bench, in any ſuit or action of debt, detinue, covenant, account, action upon the caſe, *ejectione firmæ* or treſpaſs, firſt commenced or to be firſt commenced there, other than ſuch only where we ſhould be party, the party plaintiff or defendant, againſt whom any ſuch judgment ſhould be given, might at his election ſue forth out of the court of Chancery, a ſpecial writ of error, to be deviſed in the ſaid court of Chancery, directed to the chief-juſtice of the ſaid court of the King's Bench for the time being, commanding him to cauſe the ſaid record and all things concerning the ſaid judgment, to be brought before the juſtices of the Common Bench and the barons of the Exchequer into the Exchequer chamber, there to be examined by the ſaid juſtices of the Common Bench and barons aforeſaid; which ſaid juſtices of the Common Bench, and ſuch barons of the Exchequer as are of the coif, or ſix of them at the leaſt, by virtue of the ſame act, ſhould thereupon have full power and authority to examine all ſuch errors, as ſhould be aſſigned or found in or upon any ſuch judgment, and thereupon to reverſe or affirm the ſaid judgment, as the law ſhould require, other than for errors to be aſſigned or found for or concerning the juriſdiction of the ſaid court of King's Bench, or for any want of form in any writ, return, plaint, bill, declaration or other pleading, proceſs, verdict or proceeding whatſoever; and that after the ſaid judgment ſhould be affirmed or reverſed, the ſaid record, and all things concerning the ſame, ſhould

be removed and brought back into the ſaid court of the King's Bench, that ſuch further proceedings might be thereupon, as well for execution as otherwiſe, as ſhould appertain; as in the ſaid ſtatute is more fully contained: And becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was in our court before us, by bill, between *A. B.* and *C. D.* of a plea of treſpaſs on the caſe (or as the plea is), as it is ſaid, manifeſt error hath intervened, to the great damage of the ſaid *C. D.* as by his complaint we are informed; which ſaid error in nowiſe concerns us, or the juriſdiction of our ſaid court of King's Bench, or any want of form in any writ, return, plaint, bill, declaration or other pleading, proceſs, verdict or proceeding whatſoever, as we are alſo informed: We therefore being willing that the error, if any there be, ſhould, according to the form of the ſtatute aforeſaid, be duly corrected, and full and ſpeedy juſtice done to the parties aforeſaid in this behalf, do command you, that if judgment be thereupon given, then you cauſe the record and proceedings aforeſaid, with all things concerning the ſame, to be brought before the ſaid juſtices of the Common Bench and the barons of our ſaid Exchequer, into our Exchequer-chamber aforeſaid, on —— the —— day of —— next enſuing, that the ſaid juſtices and barons, the record and proceedings aforeſaid being ſeen and examined, may further cauſe to be done thereupon, what of right, and according to the form of the ſtatute aforeſaid, ought to be done. Witneſs ourſelf, *&c.*

George

Writ of error from the King's Bench to the Houſe of Lords, directly.

George the Third, &c. To our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was in our court before us, by our writ, between *A. B.* and *C. D.* late of, &c. of a plea of treſpaſs on the caſe (or as the plea is), as it is ſaid, manifeſt error hath intervened, to the great damage of the ſaid *C. D.* as by his complaint we are informed: We being willing that the error, if any there be, ſhould in due manner be corrected, and full and ſpeedy juſtice done to the parties aforeſaid in this behalf, do command you, that if judgment be thereupon given, then without delay you diſtinctly and openly ſend under your ſeal, the record and proceedings aforeſaid, with all things touching the ſame, to us in our preſent parliament, and this writ, that the record and proceedings aforeſaid being inſpected, we may further cauſe to be done thereupon, with the aſſent of the lords ſpiritual and temporal in the ſame parliament, for correcting that error, what of right, and according to the law and cuſtom of *England*, ought to be done. Witneſs ourſelf, &c.

The like, after affirmance in the King's Bench.

George the Third, &c. To our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was before *John* Lord *Eldon* and his companions our juſtices of the bench, by our writ, between *A. B.*

A. B. and *C. D.* late of, &c. of a plea of treſpaſs on the caſe (or as the plea is), and alſo in the affirmance of the ſame judgment in our court before us, as it is ſaid, manifeſt error hath intervened, to the great damage, &c. We being willing, &c. do command you, that if judgment be thereupon given and affirmed, then you diſtinctly and openly ſend under your ſeal, the record and proceedings aforeſaid, with all things touching the ſame, to us in our parliament, at the next ſeſſion thereof to be holden on the —— day of —— next enſuing, and this writ, that the record and proceedings aforeſaid being inſpected, we may further cauſe to be done thereupon, &c. (as in the laſt).

The like, after affirmance in the Exchequer-chamber.

George the Third, &c. To our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, greeting: Whereas in the record and proceedings, and alſo in the giving of judgment, in a plaint which was in our court before us, by bill, between *A. B.* and *C. D.* of a plea of treſpaſs on the caſe (or as the plea is), which ſaid record and proceedings, by reaſon of error happening therein, we cauſed to be brought before the juſtices of the Common Bench and the barons of our Exchequer into our Exchequer-chamber, and the judgment thereupon is affirmed, as it is ſaid, manifeſt error hath intervened, to the great damage, &c. We being willing, &c. do command you, that if judgment be thereupon given and affirmed, &c. (as before).

Between

Allowance of writ of error.

Between *A. B.* and *C. D.* } Caſe, (or, Debt, &c.)

I have allowed a writ of error in this cauſe, this —— day of —— 179-.

——,
clerk of the errors.

Notice of bail in error.

In Error.

C. D. againſt *A. B.*

Take notice, that ſpecial bail was this day put in, upon the writ of error brought in this cauſe, with the clerk of the errors, before the honorable Mr. Juſtice ——, at his chambers in *Serjeants' Inn, Chancery-Lane, London;* and their names are *E. F.* of, &c. and *G. H.* of, &c. Dated, &c.

Yours, &c.
J. K. attorney for plaintiff in error.

To Mr. *L. M.*
attorney for defendant in error.

Rule for better bail.

C. D. and *A. B.* } Unleſs the plaintiff in the writ of error puts in better bail, within four days next after notice hereof given to the ſaid plaintiff or his attorney, execution will iſſue.

——,
clerk of the errors.

In

In Error,

C. D. plaintiff,

Between and

A. B. defendant.

Take notice, that *E. F.* and *G. H.* the bail put in upon the writ of error brought in this cauſe, of whoſe additions and places of abode you have already had notice, will on —— juſtify themſelves in this honorable court, as ſufficient bail for the ſaid plaintiff. Dated the —— day of —— 179-.

Notice of juſtification.

Yours, *&c.*

J. K. plaintiff's attorney.

To *L. M.* defendant's attorney.

You ſeverally acknowledge to owe *A. B.* the ſum of ——*l.* (double the ſum recovered) upon condition that *C. D.* proſecutes his writ of error with effect; and if judgment be affirmed, ſhall ſatisfy and pay the damages and coſts (or debt, damages and coſts) recovered, together with ſuch coſts and damages as ſhall be awarded by occaſion of the delay of execution; or elſe you will do it for him.

Recognizance of bail, on error *coram nobis*.

Pleas before our lord the king at *Weſtminſter*, of —— term (the term bail was put in), in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, *&c.* and in the year of our Lord 179-.

Entry of recognizance of bail, on error from the King's Bench to the Exchequer-chamber.

Roll —.

England, to wit. *Be it remembered*, that on —— next after —— in this ſame term, before our lord the

the king at *Weſtminſter*, —— one of the juſtices of our ſaid lord the king aſſigned to hold pleas in the court of our ſaid lord the king before the king himſelf, hath here recorded, that on the —— day of —— in the year of our Lord 179-, before the ſame juſtice, at his chambers ſituate in *Serjeants'-Inn, Chancery-Lane, London*, came *E. F.* of, *&c.* and *G. H.* of, *&c.* in their own proper perſons, and according to the form of the ſtatute in ſuch caſe made and provided, acknowledged themſelves, and each of them ſeparately did acknowledge himſelf to owe to *A. B.* the ſum of —— *l.* of lawful money of *Great Britain*, to be paid to the ſaid *A. B.* his executors or aſſigns; and unleſs they ſhould ſo do, the ſaid *E. F.* and *G. H.* did grant and agree, that the ſaid —— *l.* of their and each of their lands and chattels ſhould be made, and levied to the uſe of the ſaid *A. B.*

The condition of the above recognizance is ſuch, that whereas the aforeſaid *A. B.* lately in the court of our ſaid lord the king before the king himſelf at *Weſtminſter*, by bill without the writ of our ſaid lord the king, and by the judgment of the ſame court, recovered againſt *C. D.* —— *l.* for his damages which he had ſuſtained, as well on occaſion of the not performing certain promiſes and undertakings then lately made by the ſaid *C. D.* to the ſaid *A. B.* as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* hath been convicted, as appears of record in the ſaid court of the ſaid lord the king before the king himſelf at *Weſtminſter*; and whereas the ſaid *C. D.* hath brought a writ of error upon the judgment

ment aforesaid, returnable before the justices of our said lord the king of the Common Bench, and barons of his Exchequer of the degree of the coif, in the Exchequer-chamber, on —— the —— day of —— in the said —— year of the reign of our said lord the king; if therefore the said *C. D.* shall prosecute the said writ of error with effect, and also shall satisfy and pay to the said *A. B.* if the said judgment shall be affirmed, or the said writ of error be discontinued in his default, or he shall be nonsuit therein, as well the damages costs and charges aforesaid, adjudged upon the said judgment, as also all such costs charges and damages as shall be awarded to the said *A. B.* for delay of execution of the said judgment, by the prosecution of the said writ of error; then this recognizance to be void, or otherwise to be and remain in full force and virtue.

Petition to the Master of the Rolls, for original-writ.

In Chancery.

Between *A. B.* plaintiff and *C. D.* defendant.

To the right honorable the Master of the Rolls.

The humble petition of *A. B.* plaintiff;

Sheweth,

That your petitioner in —— term (or vacation) last, commenced an action at law against the above-named *C. D.* late of, *&c.* in his majesty's court of Common Pleas at *Westminster*, in a plea of trespass on the case, to his damage of —— *l.* (or as the plea is),

is), wherein your petitioner hath laid his venue in the county of ——; and judgment hath been obtained in such action, in —— term last past, for —— *l.* damages and —— *l.* costs (or according to the fact); whereupon the said defendant hath brought his writ of error, returnable in his majesty's court of King's Bench, on —— wheresoever, &c. but no further proceedings have been had thereon.

That your petitioner hath not as yet sued out any original writ to warrant the said judgment; and he is advised, that it is necessary the same should be sued out to warrant the said judgment: But the time for applying for the same in the ordinary course being expired, the cursitor of the said county cannot make out the same, without your honor's order for that purpose.

Your petitioner therefore humbly prays your honor, to grant unto him an order, that the cursitor for the said county of —— may issue an original writ in this cause, out of his majesty's high court of Chancery, returnable in his said majesty's court of Common Pleas, on —— in —— term last.

And your petitioner shall ever pray, &c.

A. B.

—— 179-.

Fiat thereon. Be it so; and let the petitioner pay the defendant his costs in error, in case he shall not, after having had notice of this order, further prosecute his said writ of error; and hereof give notice forthwith.

R. P. Arden.

—— the

—— the —— day of —— in the —— year of the reign of his majesty king *George* the Third, 179-. Between *A. B.* plaintiff and *C. D.* defendant. Order thereon.

Upon consideration this day had by the right honorable the master of the Rolls, of the humble petition of the plaintiff, setting forth that the petitioner having in —— term (or vacation) last past, commenced an action, &c. (reciting the petition). It is thereupon ordered, that the cursitor of the said county of —— do issue an original writ in this cause out of this court, returnable in his majesty's court of Common Pleas, on —— in —— term last past: And it is further ordered, that the petitioner pay the defendant his costs in error, in case the defendant shall not, after having had notice of this order, further prosecute his said writ of error; and hereof notice is to be given forthwith.

In the Common Pleas.

A. B. v. *C. D.* } Unless the plaintiff in the writ of error brought in this cause, certifies the record into the court of King's Bench, within eight days next after notice hereof to be given to him or his attorney, a nonsuit will be entered. Rule to certify the record, on error from the Common Pleas.

clerk of the errors.

In the King's Bench.

A. B. v. *C. D.* } Unless the plaintiff in the writ of error certifies the record, within eight days next after notice hereof given to the said plaintiff or his attorney, a nonsuit will be entered. The like, on error from the King's Bench.

clerk of the errors.

Chief-juſtice's return, on error from the Common Pleas.

The anſwer of *John* Lord *Eldon*, the chief-juſtice within-named.

The record and proceedings of the plaint, whereof mention is within made, follow in theſe words, to wit:

Pleas at *Weſtminſter*, before *John* Lord *Eldon* and his companions, juſtices of our lord the king of the bench, of the term of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, and ſo forth. Roll —.

—— to wit. *C. D.* late of ——, was attached (or ſummoned) to anſwer *A. B.* &c. (here copy the proceedings, as on the judgment-roll).

The like, on error from the King's Bench to the Exchequer-chamber.

The anſwer of *Lloyd* Lord *Kenyon*, the chief-juſtice within-named.

The record and proceedings of the plaint, whereof mention is within made, with all things concerning the ſame, I certify to the juſtices and barons within-ſpecified, at the day and place within-contained, in a certain ſchedule to this writ annexed, as within I am commanded.

Kenyon.

Pleas before our lord the king at *Weſtminſter*, of the term of ——, in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, and ſo forth. Roll —.

—— to wit. *A. B.* puts in his place *E. F.* his attorney, againſt *C. D.* in a plea of treſpaſs on the caſe (or as the plea is).

—— to

—— to wit. *C. D.* puts in his place *G. H.* his attorney, (or *C. D.* in perſon,) at the ſuit of the ſaid *A. B.* in the plea aforeſaid.

—— to wit. Be it remembered, *&c.* (here copy the proceedings, as on the judgment-roll).

Entry of *caſſetur breve*, on a writ of error brought *tam in redditione judicii* againſt the principal, *quam in adjudicatione executionis* againſt the bail.

Afterwards, to wit, on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes the ſaid *E. F.* in his proper perſon; and the ſaid *A. B.* in his proper perſon alſo comes, and freely here in court ſays, that the ſaid writ of error, by the ſaid *E. F.* in form aforeſaid proſecuted, did wrongfully and improvidently iſſue, for this, to wit, that by the writ aforeſaid it appears, that the ſame writ of error was proſecuted by the ſaid *E. F.* as bail for the ſaid *C. D.* in the plaint aforeſaid, as well upon the giving of judgment in the plaint aforeſaid between the ſaid *A. B.* and the ſaid *C. D.* as upon the adjudication of execution on the writ of *ſcire facias*, iſſuing out of the king's court of record of —— againſt the ſaid *E. F.* as bail for the ſaid *C. D.* in the ſame plaint; whereas by the law of the land of *England*, no ſuch writ of error, in the name and at the ſuit of the ſaid *E. F.* ought to have iſſued; and for that reaſon, the ſaid *A. B.* prays that the writ of error, by the ſaid *E. F.* in form aforeſaid proſecuted, may be quaſhed, avoided and held for nothing: Whereupon all and ſingular the premiſes being ſeen, and by the court of our ſaid lord the king now here fully underſtood, and mature deliberation being thereupon had, it is conſidered, that the ſaid writ of error, by the ſaid

E. F. in form aforesaid prosecuted, be quashed, avoided and altogether held for nothing.

For writs of *scire facias quare executionem non*, pending error, *vide ante*, p. 425, 6.

Rule to appear to *scire facias*, in the King's Bench.

In the King's Bench.

C. D. plaintiff,
and
A. B. defendant, } In error.

Rule for judgment on *scire facias quare executionem non.*

—— attorney.
—— 179-.

In the Exchequer-chamber.

Rule to alledge diminution, in the Exchequer-chamber.

C. D.
v.
A. B. } Unless the plaintiff in the writ of error alledges diminution, within eight days next after notice hereof given to the said plaintiff or his attorney, a nonsuit will be entered.

clerk of the errors.

Rule to assign errors, in the King's Bench.

C. D. and *A. B.*
—— to assign errors on record.
Entered.

In the Exchequer-chamber.

The like, in the Exchequer-chamber.

C. D.
v.
A. B. } Unless the plaintiff in the writ of error assigns error or errors, within eight days next after notice hereof given to the said plaintiff or his attorney, a nonsuit will be entered.

clerk of the errors.

Upon

—— 179-. Order to assign errors, in the House of Lords.

Upon reading the petition of *A. B.* shewing that he obtained a judgment against *C. D.* in —— term last, and that the said *C. D.* for delay hath brought his writ of error into this house the —— of —— last, but hath not assigned errors thereon; and praying that the said writ of error may be remitted, to the end he may have execution thereupon: It is ordered by the lords spiritual and temporal in parliament assembled, that the said *C. D.* be and he is hereby required to assign error thereupon, on or before —— next, at —— of the clock in the forenoon; or otherwise the said transcript of the said judgment, made on the behalf of the said *A. B.* shall be and is hereby remitted, to the end he may have execution thereupon, as if no such writ of error had been brought into this house.

—— *Cler. Parl.*

—— term, in the —— year of the reign of king *George* the Third.

C. D. v. *A. B.* in error. } Afterwards, to wit, on —— next after ——, in this same term, before our lord the king at *Westminster*, comes the said *C. D.* by *G. H.* his attorney, and says that in the record and proceedings aforesaid, and also in giving the judgment aforesaid, there is manifest error in this, to wit, that he the said *C. D.* appeared in the suit aforesaid, by —— his attorney; nevertheless the said *C. D.* at the time of his said appearance, and also at the time of giving the judgment aforesaid, was under the age of twenty-one

Assignment of infancy in the defendant.

years, to wit, of the age of —— years, and no more, to wit, at, &c. in which caſe the ſaid *C. D.* ought to have been admitted to appear in the court aforeſaid, to defend the ſuit aforeſaid, by his guardian, and not by his attorney; therefore in that there is manifeſt error: And this he the ſaid *C. D.* is ready to verify, wherefore he prays that the judgment aforeſaid, for the error aforeſaid, may be revoked, annulled and altogether held for nothing, and that he may be reſtored to all things which he hath loſt by occaſion of the judgment aforeſaid, &c.

Replication of full age.

A. B. ats. *C. D.* in error. } And hereupon the ſaid *A. B.* by *E. F.* his attorney, freely here in court comes and ſays, that by reaſon of any thing above for error aſſigned, the judgment aforeſaid ought not to be revoked, annulled or held for nothing; becauſe he ſays that the ſaid *C. D.* at the time of his ſaid appearance, to wit, in the term of, &c. and alſo at the time of giving the judgment aforeſaid, was of the full age of twenty-one years, to wit, at, &c. aforeſaid; and of this he the ſaid *A. B.* puts himſelf upon the country, &c.

Aſſignment of coverture in the defendant, at the time of bringing the action.

C. D. and wife v. *A. B.* in error. } Afterwards, to wit, on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, come *C. D.* and *E.* his wife, which ſaid *E.* was and is impleaded in this ſuit by the name of *E. F.* in their proper perſons, and ſay that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error in this, to wit, that before the day of exhibiting the bill

bill (or ſuing out the original writ) of the ſaid *A. B.* againſt the ſaid *E.* by the name of *E. F.* and before the giving of the judgment aforeſaid, to wit, on, *&c.* at, *&c.* aforeſaid, the ſaid *E.* intermarried with and took to huſband the ſaid *C. D.* and that ſhe the ſaid *E.* at the time of exhibiting the bill (or ſuing out the original writ) aforeſaid, and alſo at the time of giving the judgment aforeſaid, was and yet is covert of the ſaid *C. D.* then and yet her huſband, to wit, at, *&c.* aforeſaid; therefore in that there is manifeſt error: And this they the ſaid *C. D.* and *E.* his wife are ready to verify, wherefore they pray that the judgment aforeſaid, for the error aforeſaid, may be revoked, annulled and altogether held for nothing, and that they may be reſtored to all things which they have loſt by occaſion of the judgment aforeſaid, *&c.*

A. B. ats. *C. D.* and wife in error. } And hereupon the ſaid *A. B.* by *E. F.* his attorney, freely here in court comes and ſays, that by reaſon of any thing above for error aſſigned, the judgment aforeſaid ought not to be revoked, annulled or held for nothing; becauſe he ſays that the ſaid *E.* at the time of exhibiting the bill (or ſuing out the original writ) aforeſaid, was not nor is covert of the ſaid *C. D.* in manner and form as the ſaid *C. D.* and *E.* have above alledged; and of this he the ſaid *A. B.* puts himſelf upon the country, *&c.*

Replication thereto.

C. D. v. *A. B.* in error. } Afterwards, to wit, on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes the ſaid *C. D.* by *G. H.* his attorney, and ſays, that

Aſſignment of the death of the plaintiff before trial, and award of *ſcire facias* to his executors.

that in the record and proceedings aforesaid, and also in giving the judgment aforesaid, there is manifest error in this, to wit, that by the record aforesaid it appears, that the judgment aforesaid in form aforesaid given, was given for the said *A. B.* against the said *C. D.* in the plea aforesaid; when in truth and in fact, the said *A. B.* in the plea aforesaid named, before the trial of the issue joined in the record aforesaid, between the parties aforesaid, and before the giving of the judgment aforesaid, to wit, on, &c. at, &c. died; therefore in that there is manifest error: And this he the said *C. D.* is ready to verify, wherefore he prays that the judgment aforesaid, for the error aforesaid, may be revoked, annulled and altogether held for nothing, and that he may be restored to all things which he hath lost by occasion of the said judgment, &c. And the said *C. D.* also prays the writ of our lord the king, to give notice to —— and —— executors of the last will and testament of the said *A. B.* that they be before our said lord the king at *Westminster*, on ——, to hear the record and proceedings aforesaid, and the matter above assigned for error; and it is granted to him, &c.

The like, of the death of one of the defendants in the action.

C. D. v. *A. B.* in error. } Afterwards, to wit, on —— next after —— in this same term, before our lord the king at *Westminster*, comes the said *C. D.* by *G. H.* his attorney, and says that in the record and proceedings aforesaid, and also in giving the judgment aforesaid, there is manifest error in this, to wit, that by the record aforesaid it appears, that the judgment aforesaid in form aforesaid given, was given for the said *A. B.* as well against

againſt the ſaid *E. F.* as againſt the ſaid *C. D.* when in truth and in fact the ſaid *E. F.* in the plea aforeſaid named, before the trial of the iſſue joined in the record aforeſaid, between the parties aforeſaid, and before the giving of the judgment aforeſaid, to wit, on, *&c.* at, *&c.* died; therefore in that there is manifeſt error: And this he the ſaid *C. D.* is ready to verify, wherefore he prays that the judgment aforeſaid, for the error aforeſaid, may be revoked, annulled and altogether held for nothing, and that he may be reſtored to all things which he hath loſt by occaſion of the judgment aforeſaid, *&c.*

A. B. ats. *C. D.* in error. } And the ſaid *A. B.* by *E. F.* his attorney, comes and ſays, that by reaſon of any thing above for error aſſigned, the judgment aforeſaid ought not to be revoked, annulled or held for nothing; becauſe he ſays that the ſaid *E. F.* in the plea aforeſaid named, is yet living and in full life, to wit, at, *&c.* without this that he the ſaid *E. F.* before the trial of the iſſue aforeſaid, joined in the ſaid record between the parties aforeſaid, died, in manner and form as the ſaid *C. D.* hath above alledged: And this he the ſaid *A. B.* is ready to verify, wherefore he prays that the judgment aforeſaid may be in all things affirmed, *&c.* Replication thereto.

C. D. v. *A. B.* in error. } And the ſaid *C. D.* as before ſays, that the ſaid *E. F.* before the trial of the iſſue aforeſaid, joined in the ſaid record between the parties aforeſaid, died, in manner and form as he the ſaid *C. D.* hath above alledged; Rejoinder.

alledged; and this he the ſaid *C. D.* prays may be inquired of by the country, &c.

—— term, in the —— year of the reign of king *George* the Third.

Aſſignment of general errors, in the King's Bench.

C. D. v. *A. B.* in error. } Afterwards, to wit, on —— in this ſame term, before our lord the king at *Weſtminſter*, comes the ſaid *C. D.* by *G. H.* his attorney, and ſays that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error in this, to wit, that the declaration aforeſaid, and the matters therein contained, are not ſufficient in law for the ſaid *A. B.* to have or maintain his aforeſaid action thereof againſt the ſaid *C. D.* there is alſo error in this, to wit, that by the record aforeſaid it appears, that the judgment aforeſaid in form aforeſaid given, was given for the ſaid *A. B.* againſt the ſaid *C. D.* whereas by the law of the land, the ſaid judgment ought to have been given for the ſaid *C. D.* againſt the ſaid *A. B.* And the ſaid *C. D.* prays that the judgment aforeſaid, for the errors aforeſaid, and other errors in the record and proceedings aforeſaid, may be reverſed, annulled and altogether held for nothing, and that he may be reſtored to all things which he hath loſt by occaſion of the ſaid judgment, &c.

Aſſignment of the want of an original writ.

C. D. v. *A. B.* in error. } Afterwards, to wit, on —— in this ſame term, before our lord the king at *Weſtminſter*, comes the ſaid *C. D.* by *G. H.* his attorney, and ſays that in the record

cord and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error in this, to wit, that the declaration aforeſaid, and the matters therein contained, are not ſufficient in law for the ſaid *A. B.* to have or maintain his aforeſaid action thereof againſt the ſaid *C. D.* there is alſo error in this, to wit, that by the record aforeſaid it appears, that the ſaid *C. D.* was attached to anſwer to the ſaid *A. B.* in the plea aforeſaid, yet no original writ between the parties aforeſaid, in the plea aforeſaid, is filed or remaining of record in the ſaid court of our ſaid lord the king of the bench at *Weſtminſter* aforeſaid; therefore in that there is manifeſt error; there is alſo error in this, to wit, that by the record aforeſaid it appears, that the judgment aforeſaid in form aforeſaid given, was given for the ſaid *A. B.* againſt the ſaid *C. D.* whereas by the law of the land the ſaid judgment ought to have been given for the ſaid *C. D.* againſt the ſaid *A. B.* And the ſaid *C. D.* prays a writ of our ſaid lord the king, to be directed to the *cuſtos brevium* of the ſaid court of the bench at *Weſtminſter*, to certify to our ſaid lord the king the truth of the ſame; and it is granted to him, *&c.* And the ſaid *A. B.* prays that the judgment aforeſaid, for the errors aforeſaid, and other errors in the record and proceedings aforeſaid, may be reverſed, annulled and altogether held for nothing, and that he may be reſtored to all things which he hath loſt by occaſion of the ſaid judgment, *&c.*

Præcipe for *certiorari*, to certify an original writ.

—— to wit. *Certiorari* to certify an original writ, between *A. B.* plaintiff and *C. D.* late of, *&c.* defendant, returnable without delay.

G. H. attorney.

—— 179-.

Certiorari.

George the Third, *&c.* To our right truſty and well-beloved ——, holding the office of keeper of the writs, rolls and records of our court of the bench, greeting: We being willing for certain cauſes to be certified, whether any original writ between *A. B.* and *C. D.* late of, *&c.* in a plea of treſpaſs on the caſe (or as the plea is), be filed in your cuſtody, of —— term, in the —— year of our reign, or not; do command you, that having ſearched our original writs directed to the ſheriff of ——, and which are filed of record in your cuſtody, of the aforeſaid —— term in the —— year of our reign, what you ſhall find therein of an original writ between the parties aforeſaid, of the plea aforeſaid, you certify to us without delay, whereſoever we ſhall be in *England*, together with the return and indorſement thereof, as fully and entirely as the ſame remain in your cuſtody, and this writ. Witneſs *Lloyd* Lord *Kenyon*, &c.

B. and *D.*

Rule to return *certiorari*.

—— to return the writ of *certiorari*.

Entered.

Return thereto, that there is an original writ.

The anſwer of —— holding the office of keeper of the writs, rolls and records within-named.

By virtue of this writ to us directed, we do hereby certify to our lord the king, that having ſearched the original writs directed to the ſheriff of ——, which are filed of record in our cuſtody, of —— term in the —— year of the reign of our ſaid lord the king, we find that there is an original writ between the parties within-named, in a plea of treſpaſs on the caſe (or as the plea is), directed to the

ſheriff

ſheriff of ——, filed of record in our cuſtody, of the term aforeſaid; the tenor of which ſaid original writ, together with the return and indorſement thereof, as fully and entirely as the ſame remain in our cuſtody, we do hereby certify to our ſaid lord the king, as appears by the ſchedule hereunto annexed, and as we are within-commanded.

(Here follows a copy of the original writ, with the ſheriff's return, *&c.* indorſed thereon.)

Afterwards, to wit, on —— in this ſame term, before our lord the king at *Weſtminſter*, comes the ſaid *C. D.* by *G. H.* his attorney, and ſays that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error in this, to wit, that the declaration aforeſaid, and the matters therein contained, are not ſufficient in law for the ſaid *A. B.* to have or maintain his aforeſaid action thereof againſt the ſaid *C. D.*; there is alſo error in this, to wit, that by the record aforeſaid it appears, that the judgment aforeſaid, in form aforeſaid given, was given for the ſaid *A. B.* againſt the ſaid *C. D.* whereas by the law of the land, the ſaid judgment ought to have been given for the ſaid *C. D.* againſt the ſaid *A. B.*; there is alſo error in this, to wit, that there is no warrant of attorney filed or remaining of record, in the ſaid court of our ſaid lord the king of the bench at *Weſtminſter*, between the parties aforeſaid, in the plea aforeſaid, to warrant the ſaid *E. F.* to be attorney for the ſaid *A. B.* againſt the ſaid *C. D.* in the plea aforeſaid; therefore in that there is manifeſt error: And the ſaid *C. D.* prays a writ of our ſaid lord the king,

Aſſignment of the want of a warrant of attorney.

king, to be directed to the chief-juſtice of the ſaid court of the bench, to certify to our ſaid lord the king the truth of the ſame; and it is granted to him, *&c.* And the ſaid *C. D.* prays that the judgment aforeſaid, for the errors aforeſaid, and other errors in the record and proceedings aforeſaid, may be reverſed, annulled and altogether held for nothing, and that he may be reſtored to all things which he hath loſt by occaſion of the ſaid judgment, *&c.*

Præcipe for *certiorari*, to certify warrants of attorney.

—— to wit. *Certiorari* to certify warrant of attorney, for *A. B.* plaintiff againſt *C. D.* late of, *&c.* defendant, returnable without delay.

G. H. attorney.

—— 179-.

Certiorari.

George the Third, *&c.* To our right truſty and well-beloved *John* Lord *Eldon*, our chief-juſtice of the bench, greeting: We being willing for certain cauſes to be certified, whether *A. B.* made *E. F.* gentleman his attorney of record, againſt *C. D.* late of, *&c.* of a plea of treſpaſs on the caſe (or as the plea is), before you and your companions our juſtices of the bench aforeſaid, of the term of —— in the —— year of our reign, or not; do command you, that having ſearched the rolls and other memorandums of warrants of attorney, for the county of —— being in your cuſtody of record, of the aforeſaid term of —— in the —— year of our reign aforeſaid, what you ſhall find therein concerning the ſaid warrant of attorney, between the parties aforeſaid of the plea aforeſaid, you certify to us without delay, where-

wheresoever we shall be in *England*, as fully and entirely as the same remains in your custody, together with this writ. Witness *Lloyd* Lord *Kenyon*, &c.

The answer of *John* Lord *Eldon*, the chief-justice within-named.

Return thereto, that there is no warrant of attorney.

I certify to our lord the king, that having searched the rolls and other memorandums of warrants of attorney, for the county of ——, of the term and year within-written, being in my custody; I have not found in the same, any warrant of attorney between the within-named *A. B.* and *C. D.* of the plea within-mentioned.

George the Third, &c. To the sheriff of ——, greeting: Because in the record and proceedings, and also in the giving of judgment, in a plaint which was in our court before *John* Lord *Eldon* and his companions our justices of the bench, by our writ between *A. B.* plaintiff and *C. D.* late of, &c. defendant, of a plea of trespass on the case (or as the plea is), as it is said, manifest error hath intervened, to the great damage of the said *C. D.* as by his complaint we are informed; the record and proceedings of which said judgment we have lately caused to be brought before us, for certain causes of error; and the said *C. D.* hath duly assigned errors of record upon the judgment aforesaid: And we being willing that the error, if any there be, should in due manner be corrected, and full and speedy justice done to the parties aforesaid, as is just, command you, that by good and lawful men of your bailiwick,

Scire facias ad audiendum errores, on error from the Common Pleas.

bailiwick, you make known to the ſaid *A. B.* that he be before us, on —— whereſoever we ſhall then be in *England*, to hear the record and proceedings aforeſaid, if it ſhall ſeem expedient for the ſaid *C. D.*; and further to do and receive what our ſaid court before us ſhall conſider of the ſaid *A. B.* in this behalf; and have there the names of thoſe by whom you ſhall ſo make known to him, and this writ. Witneſs *Lloyd* Lord *Kenyon*, &c.

The like, on a judgment in *ſcire facias* againſt tertenants.

George the Third; *&c.* To the ſheriff of ——, greeting: Whereas lately in our court before *John* Lord *Eldon* and his companions, our juſtices of the bench at *Weſtminſter*, it was conſidered, that *A. B.* ſhould have execution againſt *E. F.* and *G. H.* tenants of the lands and tenements of *C. D.* late of, *&c.* then deceaſed, as well of a certain debt of —— *l.* as of —— *l.* which in our ſaid court of the bench aforeſaid, were adjudged to the ſaid *A. B.* againſt the ſaid *C. D.* for his damages which he had ſuſtained, on occaſion of the detaining of that debt; whereof the ſaid *E. F.* and *G. H.* on our writ of *ſcire facias*, iſſuing againſt the tenants of the lands and tenements of the ſaid *C. D.* on the judgment aforeſaid, are convicted: And becauſe in the adjudication of the execution aforeſaid, manifeſt error hath intervened in the record and proceedings of that adjudication, to the great damage of the ſaid *E. F.* and *G. H.* as by their complaint we are informed; the record of which ſaid judgment and writ of *ſcire facias*, for certain cauſes of error, we lately cauſed to be brought before us, as appears to us of record: Therefore we command you, that by

good

good and lawful men of your bailiwick, you make known to the ſaid *A. B.* that he be before us, on —— whereſoever we ſhall then be in *England*, to hear the record and proceedings aforeſaid, if it ſhall ſeem expedient for the ſaid *E. F.* and *G. H.*; and further to do and receive, *&c.*

The like, on error from an inferior court.

George the Third, *&c.* To the ſheriff of ——, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint lately levied in our court of —— before the judges of the ſame court, between *A. B.* and *C. D.* of a plea of treſpaſs on the caſe (or as the plea is), manifeſt error hath intervened, to the great damage of the ſaid *C. D.* as by his complaint we are informed; which ſaid record and proceedings we have for certain reaſons, cauſed to come in our court before us; and the ſaid *C. D.* hath duly aſſigned errors of record upon the judgment aforeſaid: And we being willing, *&c.* (as before, p. 495, 6.)

The like, on error to reverſe an outlawry in the King's Bench.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us, impleaded *C. D.* late of, *&c.* in a plea that whereas, *&c.* (reciting the original writ,) to the damage of the ſaid *A. B.* of —— *l.* as it is ſaid; and the ſaid *C. D.* becauſe he did not come before us, to anſwer to the ſaid *A. B.* in the ſame plea, was put in *exigent*, and in your county-court (or in the huſtings of pleas of land, holden in the *Guildhall* of the city of *London*) on that occaſion was afterwards outlawed; as by the record and proceedings thereof, remaining in our ſaid court before us, manifeſtly

appears: And becauſe on behalf of the ſaid *C. D.* as we are informed, manifeſt error hath intervened in the record and proceedings aforeſaid, and alſo in the pronouncing of the outlawry aforeſaid; and thereupon the ſaid *C. D.* hath proſecuted our writ of error, directed to our juſtices aſſigned to hold pleas in our court before us, commanding them that the record and proceedings aforeſaid being inſpected, they cauſe to be further done thereupon, for the annulling of the outlawry aforeſaid, what of right and according to the law and cuſtom of *England*, ought to be done in the premiſes; and the ſaid *C. D.* hath thereupon duly aſſigned his errors of record, as by the inſpection thereof likewiſe appears to us: Therefore we command you, that by good and lawful men of your bailiwick, you make known to the ſaid *A. B.* that he be before us, on —— wheresoever we ſhall then be in *England*, to hear the record and proceedings aforeſaid, and alſo the errors aſſigned in the pronouncing of the outlawry aforeſaid, if it ſhall ſeem expedient for the ſaid *C. D.*; and further to do and receive, *&c.*

The like, on error to reverſe a common recovery.

George the Third, *&c.* To the ſheriff of ——, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was in our court before *John* Lord *Eldon* and his companions, our juſtices of the bench at *Weſtminſter*, upon a writ of entry *ſur diſſeiſin en le poſt*, between *A. B.* demandant and *C. D.* deforceant, of —— meſſuages and —— acres of land with the appurtenances, in the pariſh of —— in your ſaid county, and in which ſaid plaint the ſaid *C. D.* then

then tenant of the tenements aforesaid with the appurtenances in the same court vouched thereof to warranty *E. F.* who did warrant the same to him, and further thereof vouched to warranty *G. H.* who did warrant the same to him, which said record and proceedings we lately caused to be brought and they now remain before us, manifest error hath intervened, to the great damage of *J. K.* as by his complaint we are informed: And we being willing that the error, if any there be, should in due manner be corrected, and full and speedy justice done to the parties aforesaid in this behalf, command you, that by honest and lawful men of your bailiwick, you make known to the said *A. B.* and also to *L. M.* &c. the now tenants of the tenements aforesaid, that they be before us, on —— wheresoever we shall then be in *England*, to hear the record and proceedings aforesaid, if it shall seem expedient for the said *J. K.*; and further to do and receive, *&c.*

Joinder in error, in the King's Bench.

A. B. ats. *C. D.* in error. } And hereupon afterwards, to wit, on —— next after —— in —— term, in the —— year of the reign of our said lord the king, the said *A. B.* by *E. F.* his attorney, freely comes here into court, and says that there is no error either in the record and proceedings aforesaid, or in giving the judgment aforesaid; and he prays that the court of our said lord the king now here, may proceed to examine as well the record and proceedings aforesaid, as the matters aforesaid above assigned for error, and that the judgment aforesaid, in form aforesaid given, may be in all things affirmed, *&c.* But because, *&c.*

The like, after a rule given to return the *certiorari*, with an entry of *non miſit brevia*.

A. B. ats. *C. D.* in error. } Whereupon —— next after —— in this ſame term, is given by the court of our ſaid lord the king now here, to return to the court of our ſaid lord the king, the ſeveral writs of *certiorari* above prayed; the ſame day is given to the ſaid *A. B.* there, *&c.* And the ſaid chief-juſtice of our ſaid lord the king of the bench aforeſaid, and the ſaid *cuſtos brevium* of the ſame court at that day did not return the ſaid writs, nor did they do any thing thereon: And hereupon the ſaid *A. B.* comes voluntarily into court by —— his attorney, and ſays that there is not any error either in the record and proceedings aforeſaid, or in giving the ſaid judgment; and he prays that the ſaid court of our ſaid lord the king here, may proceed to examine as well the record and proceedings aforeſaid, as the ſaid matters above aſſigned for error, and that the judgment aforeſaid may be in all things affirmed, *&c.* But becauſe, *&c.*

Plea of releaſe of errors.

A. B. ats. *C. D.* in error. } And the ſaid *A. B.* by *E. F.* his attorney, comes and ſays that the ſaid *C. D.* ought not further to proſecute or maintain his writ of error aforeſaid, againſt him the ſaid *A. B.* becauſe he ſays that after the judgment aforeſaid, in form aforeſaid recovered, and before the day of ſuing out the ſaid writ of error, to wit, on, *&c.* at, *&c.* he the ſaid *C. D.* by the name of, *&c.* by his certain writing of releaſe, ſealed with the ſeal of him the ſaid *C. D.* and to the court of our ſaid lord the king now here ſhewn, the date whereof is the ſame day and year aforeſaid, did remiſe, releaſe and for ever quit claim to the ſaid *A. B.*

A. B. by the name of, *&c.* his heirs, executors and adminiſtrators, all and all manner of error and errors, writ and writs of error, and all benefits and advantages of the ſame, and all miſpriſions of error and errors, defects and imperfections whatſoever, had, made, committed, omitted, done or ſuffered in about touching or concerning the judgment aforeſaid obtained againſt him the ſaid *C. D.* by the ſaid *A. B.* in the ſaid —— term then laſt paſt, in the ſaid court of our ſaid lord the king of Common Bench at *Weſtminſter*, for —— *l.* of debt, beſides coſts of ſuit, or in about touching or concerning any warrant, proceſs, original, declaration, plea, entry or other proceeding whatſoever, of or in any manner concerning the ſame judgment; as by the ſaid writing of releaſe more fully appears: And this he the ſaid *A. B.* is ready to verify, wherefore he prays judgment if the ſaid *C. D.* ought further to proſecute or maintain his writ of error aforeſaid againſt him the ſaid *A. B.* &c.

C. D. v. *A. B.* in error. } And the ſaid *C. D.* ſays that he, by reaſon of any thing by the ſaid *A. B.* in his ſaid plea above alledged, ought not to be barred from further proſecuting and maintaining his writ of error aforeſaid, againſt the ſaid *A. B.* on the judgment aforeſaid; becauſe he ſays that the ſaid writing of releaſe by him the ſaid *A. B.* in manner and form aforeſaid above pleaded in bar of the errors aforeſaid, by the ſaid *C. D.* above aſſigned, is not the deed of him the ſaid *C. D.* And this he the ſaid *C. D.* prays may be inquired of by the country, *&c.* Replication thereto.

Assignment of general errors, in the Exchequer-chamber.

C. D. v. *A. B.* in error. } Afterwards, to wit, on the —— day of —— in this same term, before the justices of our lord the king of the Bench, and the barons of the Exchequer of our said lord the king of the degree of the coif, in the Exchequer-chamber at *Westminster*, comes the said *C. D.* by *G. H.* his attorney, and says that in the record and proceedings aforesaid, and also in giving the judgment aforesaid, there is manifest error, *&c.* (as before, p. 490.)

The like, on a judgment revived by *scire facias*.

C. D. v. *A. B.* in error. } Afterwards, to wit, on the —— day of —— in this same term, before the justices of our lord the king of the Bench, and the barons of the Exchequer of our said lord the king of the degree of the coif, in the Exchequer-chamber at *Westminster*, comes the said *C. D.* by *G. H.* his attorney, and says that in the record and proceedings aforesaid, and also in giving the judgment and award of execution aforesaid, there is manifest error in this, to wit, that there is not any such record of the supposed recovery against him the said *C. D.* at the suit of the said *A. B.* remaining in the said court of our said lord the king before the king himself at *Westminster* aforesaid, as the said *A. B.* hath above in that behalf alledged; therefore in that there is manifest error; there is also error in this, to wit, that by the record aforesaid it appears, that execution was adjudged to the said *A. B.* of the damages in the said writs of *scire facias* mentioned, according to the form and effect of the said supposed recovery therein also mentioned, although no such recovery was had by the said *A. B.* against

againſt the ſaid *C. D.* therefore in that there is manifeſt error: And the ſaid *C. D.* prays that the judgment and award of execution aforeſaid, in form aforeſaid given and made, for the above and other errors in the record and proceedings aforeſaid, may be reverſed, annulled and altogether held for nothing, and that he the ſaid *C. D.* may be reſtored to all things which he hath loſt by occaſion of the ſaid judgment and award of execution, and that the ſaid *A. B.* may rejoin to the ſaid errors, *&c.*

C. D. v. *A. B.* in error. } Afterwards, to wit, on the —— day of —— in this ſame term, before the juſtices of our lord the king of the Bench, and the barons of the Exchequer of our ſaid lord the king of the degree of the coif, in the Exchequer-chamber at *Weſtminſter*, comes the ſaid *C. D.* by *G. H.* his attorney, and ſays that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error in this, to wit, that there is no bill filed and remaining of record in the court of our ſaid lord the king before the king himſelf, to warrant or ſupport the judgment or proceedings aforeſaid; therefore in that there is manifeſt error; there is alſo error in this, to wit, that by the record aforeſaid it appears, that the ſaid *A. B.* appeared by *E. F.* his attorney, againſt the ſaid *C. D.* in the plea aforeſaid; nevertheleſs there is no warrant of attorney, filed and remaining of record in the ſaid court of our ſaid lord the king before the king himſelf, to warrant ſuch appearance of the ſaid *A. B.* therefore in that there is manifeſt error; there is alſo error in this, to wit, that the

Aſſignment of the want of a bill and warrant of attorney.

declaration aforesaid and the matters therein contained, are not sufficient in law, *&c.* (assigning the common errors, as before, p. 490.): Whereupon the said *C. D.* prays his majesty's writ of *certiorari*, to be directed to his said majesty's chief-justice of the said court of our said lord the king before the king himself, to certify more fully the truth of the premises, to the justices and barons aforesaid; and it is granted to him, *&c.* And the said *C. D.* also prays that the judgment aforesaid, in form aforesaid given, for the errors aforesaid, and other errors in the record and proceedings aforesaid, may be reversed, annulled and altogether held for nothing, and that he the said *C. D.* may be restored to all things which he hath lost by occasion of the said judgment, and that the said *A. B.* may rejoin to these errors, *&c.*

Certiorari for a bill, to the chief justice of the King's Bench.

George the Third, *&c.* To our right trusty and well-beloved *Lloyd* Lord *Kenyon*, our chief-justice assigned to hold pleas in our court before us, greeting: We being willing for certain causes to be certified, whether there be any bill filed against *C. D.* at the suit of *A. B.* in a plea of trespass on the case (or as the plea is), before you of record, or not; do command you, that having searched the files and other remembrances of the bills of the county of ——, of the term of —— in the —— year of our reign, which are filed of record in your custody, what you shall find therein of the said bill between the parties aforesaid, of the plea aforesaid, you do certify without delay to our justices of the Common Bench and the barons of our Exchequer, in our court of

of Exchequer-chamber at *Weſtminſter*, together with this writ. Witneſs *John* Lord *Eldon*, &c.

Return of a bill thereto.

The anſwer of *Lloyd* Lord *Kenyon* the chief-juſtice within-named.

Having ſearched the files and other remembrances of the bills of the county of ——, of the term of —— in the —— year of the reign of our ſaid lord the king, affiled of record in my cuſtody; I there find a certain bill of the ſame term, between the parties within-mentioned, of the plea within ſpecified; the tenor of which ſaid bill is ſet forth in a certain ſchedule to this writ annexed: And this I certify to his ſaid majeſty's juſtices of the Common Bench, and barons of the Exchequer within-written, as I am within commanded.

Kenyon.

Certiorari for a a bill and warrant of attorney, to the chief-juſtice of the King's Bench.

George the Third, *&c.* To our right truſty and well-beloved *Lloyd* Lord *Kenyon*, our chief-juſtice aſſigned to hold pleas in our court before us, greeting: Becauſe in the record and proceedings, and alſo in the giving of judgment, in a plaint which was in our court before us, by bill, between *A. B.* and *C. D.* of a plea of treſpaſs on the caſe (or as the plea is), as it is ſaid, manifeſt error hath intervened, to the great damage of the ſaid *C. D.* as by his complaint we are informed; the record and proceedings of which ſaid judgment we have lately cauſed to be brought before our juſtices of our Common Bench and our barons of our Exchequer of the degree of the coif, to correct the errors in the ſame, according to the form of the ſtatute in ſuch caſe made and provided,

provided, in the chamber of our Exchequer aforeſaid: And the ſaid *C. D.* appearing in the ſame Exchequer-chamber, hath ſaid that there is no bill filed, *&c.* (reciting ſo much of the aſſignment of errors, as relates to the want of a bill and warrant of attorney): And we being willing to be certified of the premiſes aforeſaid in this behalf, command you, that having ſearched the files and other remembrances of bills of the county of ——, of —— term in the —— year of our reign, and which are filed of record in your cuſtody, and alſo the rolls and other memorandums of warrants of attorney of the ſame term, in your cuſtody likewiſe remaining of record, what you ſhall find therein concerning the ſaid bill and warrant of attorney, you certify to our juſtices of the Common Bench and barons of our Exchequer of the degree of the coif, immediately, into the chamber of our Exchequer aforeſaid, together with this writ. Witneſs *John* Lord *Eldon*, &c.

Return thereto, that there is no bill or warrant of attorney.

The anſwer of *Lloyd* Lord *Kenyon* the chief-juſtice within-named.

Having ſearched the files of bills of the county of ——, of —— term within-written, being in my cuſtody of record, I find no bill filed of record between the parties within-written, of the plea within ſpecified: Having alſo ſearched the rolls and other memorandums of warrants of attorney of the ſame term, being likewiſe in my cuſtody of record, I there find no warrant of attorney filed of record, between the parties within-written: And this I certify to his ſaid majeſty's juſtices of the Common Bench and

and barons of the Exchequer within-written, as I am within commanded.

Kenyon.

Joinder in error, in the Exchequer-chamber.

A. B. ats. *C. D.* in error. } And hereupon the ſaid *A. B.* by —— his attorney, freely comes before the juſtices of our ſaid lord the king of the bench, and the barons of the Exchequer of our ſaid lord the king of the degree of the coif, in the Exchequer-chamber at *Weſtminſter* aforeſaid, and ſays that there is not any error in the record and proceedings aforeſaid, or in giving the judgment aforeſaid; and he prays that the ſaid court of Exchequer-chamber of our ſaid lord the king here, may proceed to examine as well the record and proceedings aforeſaid, as the matter aforeſaid above aſſigned for error, and that the judgment aforeſaid, in form aforeſaid given, may be in all things affirmed, *&c.* But becauſe, *&c.*

Aſſignment of general errors, in the Houſe of Lords.

C. D. v. *A. B.* in error. } Afterwards, that is to ſay, on the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, king of *Great Britain*, &c. before our ſaid lord the king and the peers of this realm, in this preſent parliament at *Weſtminſter* in the county of *Middleſex* aſſembled, comes the ſaid *C. D.* by *G. H.* his attorney, and ſays that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error, *&c.* (as before, p. 490.)

The like, after affirmance in the Exchequer-chamber.

Afterwards, that is to ſay, on the —— day of —— in the —— year of the reign of our ſovereign lord

lord *George* the Third, king of *Great Britain*, &c. before our ſaid lord the king and the peers of this realm, in this preſent parliament at *Weſtminſter* in the county of *Middleſex* aſſembled, comes the ſaid *C. D.* by *G. H.* his attorney, and ſays that in the record and proceedings aforeſaid, and alſo in giving and affirming the judgment aforeſaid, there is manifeſt error in this, to wit, that by the record aforeſaid it appears, that the judgment aforeſaid given by the ſaid court of our ſaid lord the king before the king himſelf at *Weſtminſter* aforeſaid, was given for the ſaid *A. B.* againſt the ſaid *C. D.* whereas by the law of the land, the ſaid judgment ought to have been given for the ſaid *C. D.* againſt the ſaid *A. B.* therefore in that there is manifeſt error; there is alſo error in affirming the ſaid judgment, becauſe he ſays that the judgment aforeſaid was affirmed in the court of our lord the king of Exchequer-chamber at *Weſtminſter*, before the juſtices of the Common Bench and the barons of the ſaid Exchequer; whereas no ſuch affirmance of the ſaid judgment ought to have been given thereupon, but by the law of the land the ſaid judgment ought to have been reverſed; therefore in that there is manifeſt error: And the ſaid *C. D.* prays that the judgment aforeſaid, for the errors aforeſaid, and other errors in the record and proceedings aforeſaid, may be reverſed, annulled and altogether held for nothing, and that he may be reſtored to all things which he hath loſt by occaſion of the ſaid judgment, and the affirmance thereof as aforeſaid, and that the ſaid *A. B.* may rejoin to the errors above aſſigned, *&c.*

A. B. ats. *C. D.* in error. } And the ſaid *A. B.* by —— his attorney, comes and ſays, that there is no error either in the record and proceedings aforeſaid, or in giving the judgment aforeſaid; and he prays that the court of our lord the king in his parliament here, may proceed to examine as well the record and proceedings aforeſaid, as the matters aforeſaid above aſſigned for error, and that the judgment aforeſaid may be in all things affirmed, *&c.* But becauſe the court of our ſaid lord the king in his parliament aforeſaid, is not yet adviſed what judgment to give of and concerning the premiſes, a day is therefore given to the ſaid parties here, until —— wherefoever, *&c.* to hear their judgment thereon; for that the court of our ſaid lord the king in his parliament aforeſaid, is not yet adviſed thereof, *&c.*

Joinder in error, in the Houſe of Lords.

(After copying the judgment-roll in the original action, proceed on a new line as follows:)

Iſſue on error *coram nobis.*

Afterwards, to wit, on —— next after —— in the —— year of the reign of our ſovereign lord *George* the Third, now king of *Great Britain*, &c. before our ſaid lord the king at *Weſtminſter*, comes the ſaid *C. D.* in his proper perſon, (or by —— his attorney; or if he be an infant, by *G. H.* his guardian, by the court of our ſaid lord the king hereunto ſpecially admitted,) and brings into the court of our ſaid lord the king now here, a certain writ of our ſaid lord the king, for correcting error of and upon the premiſes aforeſaid; which ſaid record and proceedings now remain in the ſaid court of our ſaid

lord the king before the king himſelf here; and he prays that the ſaid writ may be allowed, and it is allowed him by the ſame court here, *&c.* which ſaid writ follows in theſe words, to wit: *George* the Third, *&c.* (here copy the writ of error, and proceed with the aſſignment of errors as follows):

Whereupon the ſaid *C. D.* ſays that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error, *&c.* (to the end of the pleadings, beginning each with a new line, and conclude by bill, with the following award of *venire facias*): Therefore let a jury thereupon come before our lord the king at *Weſtminſter*, on —— next after ——, by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* the ſame day is given to the parties aforeſaid, at the ſame place. (Or by original, it is commanded to the ſheriff of ——, *&c.* as before, p. 174.)

—— term, (the term the tranſcript was brought in,) in the —— year of the reign of king *George* the Third.

The like, on error in law, in the King's Bench.

England, to wit: Our lord the king hath ſent to his right truſty and well-beloved *John* Lord *Eldon*, his chief-juſtice of the bench, his writ cloſe in theſe words, to wit: *George* the Third, *&c.* (here copy the writ of error and return, with the proceedings in the original action, as in the tranſcript, and proceed on a new line as follows):

Afterwards, to wit, on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes the ſaid *C. D.* by *G. H.* his attorney, and ſays that in the record and proceedings aforeſaid,

and alſo in giving the judgment aforeſaid, there is manifeſt error, &c. (here copy the aſſignment of errors, and joinder in error, and conclude with a continuance by *curia adviſari vult* as follows): But becauſe the court of our ſaid lord the king now here, are not yet adviſed what judgment to give of and upon the premiſes, a day is therefore given to the parties aforeſaid, before our ſaid lord the king, until —— whereſoever our ſaid lord the king ſhall then be in *England*, to hear the judgment aforeſaid; for that the court of our ſaid lord the king now here is not yet adviſed thereof, &c.

(As in the laſt, to the end of the tranſcript, and then as follows:)

The like, after a *ſcire facias quare executionem non.*

Afterwards, to wit, on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid, and ſays that execution of the ſaid judgment ſtill remains to be made to him; therefore he prays the writ of our ſaid lord the king, to be directed to the ſheriff of the county of —— aforeſaid, that he make known, &c. (as in the entry of a *non-pros* in the King's Bench, for not aſſigning errors, after a *ſcire facias quare executionem non*, for which *vide poſt*, p. 521, &c. to the day given by the rule for the plaintiff to aſſign errors, and then as follows): At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſaid *C. D.* being ſolemnly called, alſo comes by —— his attorney, and ſays that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error, &c. (here copy the aſſignment

ment of errors and joinder, and conclude with a continuance by *curia adviſari vult*, as in the laſt).

The like, after a *certiorari*, on error aſſigned for want of an original-writ.

(As before, p. 510, 11. to the end of the aſſignment of errors, and then as follows:)

Which ſaid writ of *certiorari* ſo prayed and granted, follows in theſe words, to wit: *George* the Third, &c. (here copy the writ of *certiorari*, and proceed as follows): Which ſaid keeper of the writs rolls and records, returned and certified to our ſaid lord the king, that having ſearched the original writs, &c. (here recite the return, as before, p. 492, 3.): And which ſaid ſchedule, ſo annexed to the ſaid writ of *certiorari*, follows in theſe words, to wit: *George* the Third, &c. (here copy the ſchedule): Which ſaid writ of *certiorari*, together with the return of the ſame, is filed among the records without day, of —— term aforeſaid. And hereupon afterwards, to wit, on —— in —— term, in the —— year of the reign of our ſaid lord the king, the ſaid *A. B.* by —— his attorney, freely comes here into court, and ſays that there is no error, &c. (here copy the joinder in error, and conclude with a continuance by *curia adviſari vult*, as before, p. 511.)

The like, after a *certiorari*, on error aſſigned for want of a warrant of attorney.

—— Which ſaid writ of *certiorari* ſo prayed and granted, follows in theſe words, to wit: *George* the Third, &c. (here copy the writ of *certiorari*, and proceed as follows): Which ſaid chief-juſtice of the bench aforeſaid returned and certified to our ſaid lord the king, that by virtue of the ſaid writ of *certiorari*, he had ſearched, &c. (here recite the return, and copy the ſchedule, &c. as in the laſt).

(As

(As before, p. 510, 11. to theſe words in the aſſignment of errors, "And this he the ſaid *C. D.* is ready to verify," and then as follows:)

The like, after *ſcire feci* returned, on a *ſcire facias ad audiendum errores*.

And the ſaid *C. D.* prays the writ of our ſaid lord the king, to warn the ſaid *A. B.* to be before our ſaid lord the king, to hear the record and proceedings aforeſaid, and the matters aforeſaid for error aſſigned; and it is granted to him, *&c.* by which it is commanded to the ſheriff of the county aforeſaid, that by good and lawful men of his bailiwick, he make known to the ſaid *A. B.* that he be before our ſaid lord the king, on —— whereſoever our ſaid lord the king ſhall then be in *England*, to hear the record and proceedings aforeſaid, and the matter aforeſaid for error aſſigned, if, *&c.* and further to do and receive what the ſaid court of our ſaid lord the king ſhall conſider of him in this behalf; the ſame day is given to the ſaid *C. D.* &c.: At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *C. D.* by his attorney aforeſaid, and offers himſelf againſt the ſaid *A. B.*; and the ſheriff, to wit, —— ſheriff of the ſaid county, returns that by virtue of the ſaid writ to him directed, he hath by —— and ——, good, *&c.* cauſed it to be made known to the ſaid *A. B.* that he be before our ſaid lord the king, at the time in the ſaid writ mentioned, as by the ſaid writ he was commanded, *&c.* And the ſaid *A. B.* being ſolemnly called, comes by —— his attorney; whereupon the ſaid *C. D.* as before ſaith, that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error, by alledging the ſaid errors by him

in form aforeſaid alledged; and he prays that the judgment aforeſaid in form aforeſaid given, for the errors aforeſaid, and other errors in the record and proceedings aforeſaid, may be reverſed, annulled and altogether held for nothing, and that he may be reſtored to all things which he hath loſt by occaſion of the ſaid judgment, *&c.*

And the ſaid *A. B.* by his attorney aforeſaid, comes and ſays that there is no error, *&c.* (here copy the joinder in error, and conclude as before).

The like, after two *nihils* returned.

(As in the laſt, to the day given on the *ſcire facias*, and then as follows:)

At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *C. D.* by his attorney aforeſaid; and the ſheriff, to wit, —— ſheriff of the ſaid county, returns that the ſaid *A. B.* hath not any thing in his bailiwick, where or by which he can give him notice, as by that writ he was commanded, neither is the ſaid *A. B.* found in the ſame; and the ſaid *A. B.* doth not come: Therefore as before, it is commanded to the ſaid ſheriff of —— that by good, *&c.* he make known to the ſaid *A. B.* that he be before our ſaid lord the king, on —— (the return of the ſecond *ſcire facias*), whereſoever our ſaid lord the king ſhall then be in *England*, to hear the record and proceedings aforeſaid, if, *&c.* and further, *&c.* the ſame day is given to the ſaid *C. D.* &c.: At which day, before our ſaid lord the king at *Weſtminſter* aforeſaid, comes the ſaid *C. D.* by his attorney aforeſaid; and the ſheriff of the county aforeſaid as before returns, that the ſaid *A. B.* hath not any thing in his bailiwick, where

where or by which he can make known to him, *&c.* nor is he found in the ſame; and the ſaid *A. B.* being ſolemnly called, comes by —— his attorney: Whereupon the ſaid *C. D.* as before ſaith, *&c.* (as in the laſt).

Rule for *concilium*, in the King's Bench.

—— next after —— in the —— year of the reign of king *George* the Third.

A. B. and *C. D.* —— next after —— is appointed to hear the counſel for both parties. Upon the motion of Mr. ——.

By the court.

Iſſue on error, from the King's Bench to the Exchequer-chamber.

Pleas in the Exchequer-chamber at *Weſtminſter*, before *John* Lord *Eldon*, chief-juſtice of the Common Bench of our ſovereign lord the king, Sir *Archibald Macdonald* knight, chief baron of the Exchequer of our ſovereign lord the king, of the degree of the coif, Sir *Francis Buller* baronet, *John Heath* eſquire, and Sir *Giles Rooke* knight, the three other juſtices of the Common Bench of our ſovereign lord the king; and alſo before Sir *Beaumont Hotham* knight, Sir *Alexander Thomſon* knight, and Sir *Alan Chambre* knight, the three other barons of the Exchequer of our ſovereign lord the king, of the degree of the coif, on —— the —— day of —— in the —— year of the reign of king *George* the Third, *&c.*

Our ſovereign lord the king hath ſent to his right truſty and well-beloved *Lloyd* Lord *Kenyon*, his chief-juſtice aſſigned to hold pleas in the court of our ſaid lord the king before the king himſelf, his writ cloſe in theſe words, to wit: *George* the Third, *&c.* (here copy the writ of error and return, with the proceed-

ings in the original action, as in the tranſcript, and proceed as follows):

And thereupon comes here into court in the ſaid Exchequer-chamber, the ſaid *C. D.* in his proper perſon, and prays a day to aſſign error or errors in the record and proceedings aforeſaid; whereupon a day is given to him by the court here, to aſſign error or errors in the record and proceedings aforeſaid, until —— the —— day of —— next, *&c.*

Pleas in the Exchequer-chamber, *&c.* (as before, *mutatis mutandis*).

And thereupon comes here into court in the ſaid Exchequer-chamber, the ſaid *C. D.* in his proper perſon, and prays a further day to aſſign error or errors in the record and proceedings aforeſaid; whereupon a further day is here given him by this court, to aſſign error or errors in the record and proceedings aforeſaid, until —— the —— day of —— next, *&c.*

Pleas in the Exchequer-chamber, *&c.* (as before).

At which day, comes here into court in the ſaid Exchequer-chamber, the ſaid *C. D.* in his proper perſon, and ſays that in the record and proceedings aforeſaid, and alſo in giving the judgment aforeſaid, there is manifeſt error, *&c.* (here copy the aſſignment of errors). And the ſaid *C. D.* prays a writ to be directed to the ſheriff of —— to give notice to the ſaid *A. B.* that he be here, to hear the record and proceedings aforeſaid; and it is granted to him, *&c.* Therefore the ſheriff is commanded, that by good

and

and lawful men of his bailiwick, he give notice to the ſaid *A. B.* that he be here, on —— the —— day of —— next, &c.

Pleas in the Exchequer-chamber, &c. (as before).

At which day, come here into court in the ſaid Exchequer-chamber, as well the ſaid *C. D.* in his proper perſon, as the ſaid *A. B.* in his proper perſon; and the ſheriff did not ſend the writ, nor did he do any thing thereupon; therefore the ſaid *C. D.* as before ſays, that in the record and proceedings aforeſaid, and alſo in giving the ſaid judgment, there is manifeſt error, by alledging the error aforeſaid, by him above for error aſſigned and alledged; and he prays that the ſaid judgment by reaſon of that error, and other errors in the record and proceedings aforeſaid, may be reverſed, annulled and altogether held for nothing, &c.

And the ſaid *A. B.* ſays that there is not any error, &c. (here copy the joinder in error). But becauſe the court of our lord the king here is willing to adviſe among themſelves of and upon the premiſes, before judgment is given thereupon, a day is given here to the ſaid parties, till —— the —— day of —— next, &c.

Record of *nisi prius* in error, on an issue in fact.

Pleas before our lord the king at *Westminster*, of the term of —— in the —— year of the reign of our sovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, &c.

Roll —. *Way.*

England, to wit. Our lord the king hath sent to his trusty and well-beloved *John* Lord *Eldon*, his chief-justice of the bench, his writ close in these words, to wit: *George* the Third, &c. (here copy the writ of error and return, with the proceedings in the original action, as in the transcript, and proceed as follows):

Afterwards, to wit, on —— next after —— in this same term, before our lord the king at *Westminster*, comes the said *C. D.* by *G. H.* his attorney, and says that in the record and proceedings aforesaid, and also in giving the judgment aforesaid, there is manifest error, &c. (here copy the assignment of errors, and pleadings thereon, to the end of the issue and award of *venire facias*, and proceed with a second *placita*, &c. as follows):

Pleas before our lord the king, &c.

—— to wit. The jury between *C. D.* by his attorney plaintiff in error, and *A. B.* defendant, of a plea of error in fact, is respited before our lord the king, until —— wheresoever our said lord the king shall then be in *England*, unless the king's right trusty and well-beloved *Lloyd* Lord *Kenyon*, his majesty's chief-justice assigned to hold pleas in the court of our said lord the king before the king himself, shall first come on —— the —— day of —— at the

Guildhall

Guildhall of the city of *London* (or at *Weſtminſter-hall* in the county of *Middleſex* aforeſaid), according to the form of the ſtatute in ſuch caſe made and provided, for default of the jurors, becauſe none of them did appear: Therefore let the ſheriff have the bodies of the ſaid jurors, to make the ſaid jury between the parties aforeſaid, of the plea aforeſaid, accordingly; the ſame day is given to the ſaid parties, *&c.*

Entry of *non-pros* in the King's Bench.

As yet of —— term, in the —— year of the reign of king *George* the Third. Witneſs *Lloyd* Lord *Kenyon*.

England, to wit. *C. D.* puts in his place *G. H.* his attorney, to proſecute his writ of error againſt *A. B.* in a plea of treſpaſs on the caſe (or as the plea is).

England, to wit. The ſaid *A. B.* puts in his place *E. F.* his attorney, at the ſuit of the ſaid *C. D.* on the ſaid writ of error, in the plea aforeſaid.

England, to wit. Our lord the king hath ſent to his right truſty and well-beloved —— his chief-juſtice, *&c.* his writ cloſe in theſe words, to wit: *George* the Third, *&c.* (here copy the writ of error and return, with the proceedings in the original action, as in the tranſcript, and proceed as follows):

Afterwards, to wit, on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*, comes the ſaid *A. B.* by *E. F.* his attorney, and prays that the ſaid *C. D.* may aſſign errors of record, in the record and proceedings aforeſaid;

whereupon a day is given by the court of our ſaid lord the king now here, until —— next after ——, that is to ſay, for the ſaid *C. D.* to aſſign errors in the record and proceedings aforeſaid: At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſaid *C. D.* although ſolemnly called, doth not come, nor hath he aſſigned any error of record in the record and proceedings aforeſaid, nor doth he further proſecute his ſaid writ of error, but makes default: Therefore it is conſidered, that the ſaid *C. D.* take nothing by his writ aforeſaid, and that the ſaid *A. B.* do go thereof without day, *&c.* and that the ſaid *A. B.* have his execution againſt the ſaid *C. D.* of his damages (or debt and damages) aforeſaid, according to the force, form and effect of the ſaid recovery, *&c.* It is alſo conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* —— *l.* by the court of our ſaid lord the king now here adjudged to the ſaid *A. B.* and with his aſſent, according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he hath ſuſtained and expended, by reaſon of the delay of execution of the judgment aforeſaid, on pretence of proſecuting the ſaid writ of error; and that the ſaid *A. B.* have execution thereof, *&c.* And the ſaid *C. D.* in mercy, *&c.*

The like, after a return of *ſcire feci*, on a *ſcire facias quare executionem non.*

(As in the laſt, to the end of the tranſcript, and then as follows:)

Afterwards, to wit, on —— next after —— in this ſame term, before our lord the king at *Weſtminſter*,

minſter, comes the ſaid *A. B.* by his attorney aforeſaid, and ſays that execution of the judgment aforeſaid ſtill remains to be made to him; therefore he prays the writ of our ſaid lord the king, to be directed to the ſheriff of the county of —— aforeſaid, that he make known to the ſaid *C. D.* to be before our ſaid lord the king, whereſoever, *&c.* to ſhew if he hath or knoweth of any thing to ſay for himſelf, why the ſaid *A. B.* ought not to have his execution againſt him, of his damages, coſts and charges aforeſaid, according to the force, form and effect of the ſaid recovery; and it is granted to him, *&c.* by which it is commanded to the ſheriff of the county of ——, aforeſaid, that by honeſt and lawful men of his bailiwick, he make known to the ſaid *C. D.* that he be before our ſaid lord the king, on —— (the return of the *ſcire facias*), whereſoever, *&c.* to ſhew in form aforeſaid, if, *&c.* and further, *&c.* the ſame day is given to the ſaid *A. B.* &c. At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid, and offers himſelf againſt the ſaid *C. D.* in the plea aforeſaid; and the ſheriff, to wit, —— ſheriff of the ſaid county of —— returns, that by virtue of the ſaid writ to him directed, by —— and —— honeſt, *&c.* he has given notice to the ſaid *C. D.* to appear, *&c.* to ſhew, as by that writ he was required; and the ſaid *C. D.* being ſolemnly called, doth not come, but makes default: And hereupon the ſaid *A. B.* ſays, that the ſaid *C. D.* hath not aſſigned any error or errors in the record and proceedings aforeſaid; therefore a day is given to the parties aforeſaid, to come before our ſaid lord the king, on —— whereſoever,

ſoever, &c. that is to ſay, for the ſaid *C. D.* to aſſign error or errors in the record and proceedings aforeſaid, &c. At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid; and the ſaid *C. D.* at that day, although ſolemnly called, doth not come, but again makes default, nor does he further proſecute his ſaid writ of error againſt the ſaid *A. B.* Therefore it is conſidered, &c. (as in the laſt).

The like, after two *nihils* returned.

(As in the laſt, to the ſheriff's return, and then as follows:) And the ſheriff, to wit, —— ſheriff of the ſaid county, returns that the ſaid *C. D.* hath not any thing in his bailiwick, where or by which he can give him notice, as by that writ he was commanded, nor is the ſaid *C. D.* found in the ſame; and the ſaid *C. D.* doth not come: Therefore as before, the ſaid ſheriff is commanded, that by honeſt, &c. he make known to the ſaid *C. D.* that he be before our ſaid lord the king, on —— (the return of the ſecond *ſcire facias*), whereſoever, &c. to ſhew in form aforeſaid, if, &c. and further, &c. the ſame day is given to the ſaid *A. B.* there, &c. At which day, before our ſaid lord the king at *Weſtminſter*, comes the ſaid *A. B.* by his attorney aforeſaid, and offers himſelf againſt the ſaid *C. D.* and the aforeſaid ſheriff of the ſaid county of —— as before returns, that the ſaid *C. D.* hath not any thing, &c. nor is the ſaid *C. D.* found in the ſame; and the ſaid *C. D.* although ſolemnly called, doth not come, but makes default: And hereupon, &c. (as in the laſt).

Pleas

Pleas in the Exchequer-chamber, &c. (as before, p. 515. to the end of the ſecond *placita*, and then as follows):

The like, on error from the King's Bench to the Exchequer-chamber.

At which day, the ſaid *C. D.* being ſolemnly called, did not come, neither does he further proſecute his ſaid writ of error: Therefore it is conſidered, that the ſaid *C. D.* take nothing by his ſaid writ of error, but that he be in mercy, &c. and that the ſaid *A. B.* do go thereof without day, &c. And it is further conſidered that the ſaid *A. B.* do recover againſt the ſaid *C. D.* —— *l.* by the court of our ſaid lord the king adjudged to the ſaid *A. B.* and with his aſſent, according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he hath ſuſtained and expended, by reaſon of the delay of execution of the judgment aforeſaid, on pretence of proſecuting the ſaid writ of error: Whereupon the record and proceedings of the ſaid juſtices of the Common Bench and the ſaid barons of the Exchequer, before them had in the premiſes, are remitted by the ſaid juſtices of the Common Bench and barons of the Exchequer, before our ſaid lord the king, whereſoever, &c. according to the form of the ſtatute of the twenty-ſeventh year of the reign of the late queen *Elizabeth*, &c.

The like, on error in the Houſe of Lords.

Afterwards, to wit, on —— the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, king of *Great Britain*, &c. before our lord the king and the peers of this realm, in this preſent parliament at *Weſtminſter* in the county of *Middleſex* aſſembled, comes the ſaid *A. B.*

A. B. in his proper perſon, and prays that the ſaid *C. D.* may aſſign errors in the record and proceedings aforeſaid; therefore a day is given to the ſaid *C. D.* before our ſaid lord the king in parliament, to aſſign errors in the record and proceedings aforeſaid, until —— the —— day of —— inſtant: At which day, before our ſaid lord the king in his parliament, comes the ſaid *A. B.* in his proper perſon; and the ſaid *C. D.* although ſolemnly called, doth not come, but makes default, nor doth he further proſecute the ſaid writ for correcting of errors againſt the ſaid *A. B.* Therefore it is conſidered by the ſaid court of our ſaid lord the king in his parliament, that the ſaid *C. D.* take nothing by his ſaid writ of error, but that he be in mercy, *&c.* and that the ſaid *A. B.* do go thereof without day, *&c.* It is alſo conſidered by the ſaid court of our ſaid lord the king in his parliament, that the ſaid *A. B.* recover againſt the ſaid *C. D.* —— *l.* by the court of our ſaid lord the king in his parliament adjudged to the ſaid *A. B.* and with his aſſent, for his damages coſts and charges which he hath ſuſtained and expended, by reaſon of the delay of execution of the judgment aforeſaid, on pretence of proſecuting the ſaid writ of error; and that the record and proceedings aforeſaid be remitted from the court of parliament aforeſaid, to the court of our ſaid lord the king before the king himſelf, to the end that execution may be had thereupon, *&c.*

Cler. Parl.

(Entry of warrants of attorney as before, p. 519.)

Affirmance in the King's Bench, of a judgment for the plaintiff.

England, to wit. Our lord the king hath ſent to his right truſty and well-beloved *John* Lord *Eldon*, his chief-juſtice of the bench, his writ cloſe in theſe words, to wit: *George* the Third, *&c.* (here copy the iſſue, to the end of the continuance by *curia adviſari vult*, and proceed as follows): At which day, before our ſaid lord the king at *Weſtminſter*, come the parties aforeſaid, by their attornies aforeſaid; whereupon as well the record and proceedings aforeſaid, and the judgment given in form aforeſaid, as the matters aforeſaid by the ſaid *C. D.* above for error aſſigned, being ſeen and by the court of our ſaid lord the king now here fully underſtood, and mature deliberation being thereupon had, it appears to the court of our ſaid lord the king now here, that there is no error either in the record and proceedings aforeſaid, or in giving the judgment aforeſaid: Therefore it is conſidered, that the judgment aforeſaid in form aforeſaid given, be in all things affirmed, and ſtand in full force and effect, the ſeveral matters above for error aſſigned in anywiſe notwithſtanding: And it is further conſidered, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* as well his damages (or debt and damages) aforeſaid, as alſo —— *l.* adjudged to him by the court of our ſaid lord the king now here, according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he hath ſuſtained and expended, by reaſon of the delay of execution of the judgment aforeſaid, on pretence of the proſecution of the ſaid writ of error; which ſaid damages

Judgment ſigned, &c.

coſts

costs and charges in the whole amount to —— *l.* and that the said *A. B.* have execution thereof, *&c.* And the said *C. D.* in mercy, *&c.*

Mercy.

Reversal in the King's Bench, of a judgment for the plaintiff.

(As in the last, to the end of the issue, and then as follows:)

At which day, before our said lord the king at *Westminster*, come the parties aforesaid by their attornies aforesaid; whereupon as well the record and proceedings aforesaid, and the judgment aforesaid in form aforesaid given, as the matter aforesaid by the said *C. D.* above for error assigned, being seen and by the court of our said lord the king now here fully understood, and mature deliberation being thereupon had, it appears to the said court of our said lord the king now here, that in the record and proceedings aforesaid, and also in giving the judgment aforesaid, there is manifest error: Therefore it is considered, that the judgment aforesaid, for the error aforesaid, and other errors in the record and proceedings aforesaid, be reversed, annulled and altogether held for nothing; and that the said *C. D.* be restored to all things which he hath lost by occasion of the said judgment, *&c.*

The like, on a judgment for the defendant in debt.

(As in the last, to the beginning of the award of restitution, and then as follows:)

— and that the said *A. B.* do recover against the said *C. D.* his debt aforesaid, and also —— *l.* for his damages which he hath sustained, as well by means of the detaining the said debt, as for his costs and charges by him about his suit in this behalf expended, by the court of our said lord the king now here

here adjudged to the ſaid *A. B.* and with his aſſent, and that he have execution thereof, &c. And the ſaid *C. D.* in mercy, &c.

Affirmance in the Exchequer-chamber, of a judgment for the plaintiff.

(To the end of the iſſue, and then as follows:)

—— to wit. *C. D.* puts in his place *G. H.* his attorney, againſt *A. B.* in a plea of correcting error.

—— to wit. The ſaid *A. B.* puts in his place *E. F.* his attorney, at the ſuit of the ſaid *C. D.* in the plea aforeſaid.

Pleas in the Exchequer-chamber, &c. (as before, p. 515. *mutatis mutandis*).

At which day, come here into court in the ſaid Exchequer-chamber, as well the ſaid *C. D.* as the ſaid *A. B.* by their attornies aforeſaid; whereupon the premiſes being conſidered, and as well the record and proceedings aforeſaid, and the judgment aforeſaid thereon given, as alſo the cauſe for error above aſſigned, being by the court of our lord the king here diligently examined and fully underſtood, it appears to the ſaid court of our ſaid lord the king here, that the judgment aforeſaid is not in anywiſe erroneous or defective, and that in the record and proceedings aforeſaid there is not any error: Therefore it is conſidered, that the judgment aforeſaid be in all things affirmed, and ſtand in its full force, ſtrength and effect, the ſaid cauſe above for error aſſigned and alledged in anywiſe notwithſtanding: And it is further conſidered, that the ſaid *A. B.* recover againſt the ſaid *C. D.* —— *l.* by the court of our ſaid lord the king here adjudged to the ſaid *A. B.* and with his aſſent, according to the form of the

the ſtatute in that caſe made and provided, for his damages coſts and charges which he hath ſuſtained and expended, by reaſon of the delay of execution of the judgment aforeſaid, on pretence of the proſecution of the ſaid writ of error; whereupon the record and proceedings of the ſaid juſtices of the Common Bench and the ſaid barons of the Exchequer, before them had in the premiſes, are remitted by the ſaid juſtices and barons, before our ſaid lord the king, whereſoever, *&c.* according to the form of the ſtatute of the 27th year of the reign of the late queen *Elizabeth*, &c.

Rule *niſi* for computing intereſt, on an affirmance in the Exchequer-chamber.

A. B. and *C. D.* in error. } It is ordered, that the plaintiff in error upon notice, *&c.* ſhall on, *&c.* ſhew cauſe, why it ſhould not be referred to the clerk of the errors, to calculate and aſcertain the amount of the intereſt upon the final judgment, after the rate of 4 *l. per cent.* from the time of final judgment being entered up, until the affirmance of the ſaid judgment in this court; and that ſuch intereſt may be added to the damages, for which ſuch final judgment was entered up. Upon motion of Mr. ——.

Entry of proceedings and affirmance in the Exchequer-chamber, and *remittitur* to the King's Bench.

Afterwards, to wit, on —— the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, king of *Great Britain*, &c. a tranſcript of the record and proceedings aforeſaid, between the parties aforeſaid, of the plea aforeſaid, with all things concerning the ſame, by means of a certain writ of our lord the king for correcting errors, proſecuted by the ſaid *C. D.* againſt the ſaid *A. B.*

A. B. of and upon the premiſes, by the court of our ſaid lord the king before the king himſelf here, was tranſmitted before the juſtices of our ſaid lord the king of his court of Common Bench and the barons of the Exchequer of our ſaid lord the king of the degree of the coif, in the Exchequer-chamber, according to the form of the ſtatute made in the 27th year of the reign of the Lady *Elizabeth*, late queen of *England*, &c.: And the ſaid *C. D.* appearing in the Exchequer-chamber aforeſaid, aſſigned certain matters for error in the record and proceedings aforeſaid, and in giving the judgment aforeſaid, for reverſing the ſaid judgment; to which the ſaid *A. B.* alſo appearing in the ſaid court of Exchequer-chamber, pleaded that there was no error either in the record and proceedings aforeſaid, or in giving the judgment aforeſaid: And afterwards, to wit, on —— the —— day of —— in the —— year of the reign of our ſaid lord the king, as well the record and proceedings aforeſaid, and the judgment aforeſaid given in form aforeſaid, as alſo the matters by the ſaid *C. D.* for error aſſigned, being by the court of Exchequer-chamber diligently examined, and fully underſtood, it ſeemed to the ſaid court of Exchequer-chamber, that there was no error either in the record and proceedings aforeſaid, or in giving the judgment aforeſaid: Therefore it was then and there conſidered by the ſaid court of Exchequer-chamber, that the judgment aforeſaid ſhould be in all things affirmed, and ſtand in its full force, ſtrength and effect, the matters aforeſaid above for error aſſigned and alledged in anywiſe notwithſtanding: And it was then and there further conſidered by the ſame court, that the ſaid *A. B.* ſhould

recover againſt the ſaid *C. D.* —— *l.* by the ſame court there adjudged to the ſaid *A. B.* at his requeſt, according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained and expended, on occaſion of the delay of execution of the judgment aforeſaid, on pretence of proſecuting the ſaid writ of error: And thereupon as well the record aforeſaid, as the proceedings of the juſtices of the Common-Bench and barons of the Exchequer aforeſaid, before them had in the premiſes, were by the ſaid juſtices and barons remitted into the court of our ſaid lord the king before the king himſelf, according to the form of the ſtatute in ſuch caſe made and provided, and now remain in the ſaid court of our ſaid lord the king before the king himſelf, *&c.*

Entry of ſatisfaction.

Afterwards, to wit, on —— next after —— in the —— year of the reign of our ſaid lord the now king, before the king himſelf at *Weſtminſter*, came the ſaid *A. B.* by his attorney aforeſaid, and acknowledged that he had been ſatisfied by the ſaid *C. D.* for the damages coſts and charges aforeſaid: Therefore let the ſaid *C. D.* be quit of the ſaid damages coſts and charges, *&c.*

Petition for a hearing, in the Houſe of Lords.

To the right honorable the lords ſpiritual and temporal, in parliament aſſembled.

The humble petition of *A. B.* defendant in a writ of error in parliament, wherein *C. D.* is plaintiff;

Sheweth,

That your petitioner obtained a judgment after verdict, in the court of King's Bench, againſt the ſaid *C. D.*,

C. D. in an action of debt for —— *l.* which in —— term laſt, on a writ of error brought by the ſaid *C. D.* in the Exchequer-chamber, was unanimouſly affirmed by all the judges of the court of Common Pleas and barons of the Exchequer: That the ſaid *C. D.* hath lately brought a writ of error returnable in parliament, in which the plaintiff in error hath named himſelf by a different addition, from what he is named in the ſaid action, with an intent thereby, as your petitioner is adviſed, to delay your petitioner, in a moſt unreaſonable and unuſual manner, from the recovery of his juſt debt.

That the plaintiff in error hath nevertheleſs aſſigned his errors; and your petitioner hath joined in error.

Your petitioner therefore moſt humbly prays your lordſhips, to appoint ſuch a day for taking the premiſes into your conſideration, and arguing the ſaid errors, as to your lordſhips great wiſdom ſhall ſeem meet.

And your petitioner ſhall ever pray, *&c.*

Affirmance in the Houſe of Lords, of a judgment in the King's Bench, affirmed in the Exchequer-chamber.

At which day, before the ſame court of parliament at *Weſtminſter*, come as well the ſaid *C. D.* as the ſaid *A. B.* in their proper perſons; whereupon all and ſingular the premiſes being ſeen, and by the court of parliament aforeſaid now here fully underſtood, and as well the record and proceedings aforeſaid, and the judgment thereon given, as the ſaid cauſes and matters by the ſaid *C. D.* above for error aſſigned, being diligently examined and inſpected, and mature deliberation being thereupon had, it ſeems to the court of parliament aforeſaid now here, that there is no error either in the record and pro-

ceedings aforesaid, or in the giving of the judgment aforesaid, or in the affirmance of the same judgment, and that the said record is in nowise vicious or defective: Therefore it is considered by the same court of parliament, that the judgment aforesaid, and also the affirmance of the same judgment, be in all things affirmed, and stand in their full force and effect, the said causes and matters by the said *C. D.* above for error assigned in anywise notwithstanding: And it is further considered by the same court of parliament now here, that the said *A. B.* do recover against the said *C. D.* —— *l.* by the same court of parliament adjudged to the said *A. B.* and with his assent, according to the form of the statute in such case made and provided, for his damages costs and charges which he hath sustained and expended, by reason of the delay of the execution of the judgment aforesaid, on pretence of prosecuting the said writ of error: And thereupon the record aforesaid, and also the proceedings aforesaid in the same court of parliament had in the premises, are remitted by the same court of parliament, to the court of our said lord the king before the king himself, wheresoever, &c.

Cler. Parl.

Entry of proceedings and affirmance in the House of Lords, and *remittitur* to the King's Bench.

Afterwards, to wit, on the —— day of —— in the —— year of the reign of our said lord the now king, the said lord the king sent to his right trusty and well-beloved *Lloyd* Lord *Kenyon*, the chief-justice of the same lord the king, assigned to hold pleas in the court of our said lord the king before the king himself, his writ close in these words, to wit:

George

George the Third, *&c.* (here copy the writ of error, and proceed as follows): By virtue of which ſaid writ, the ſaid chief-juſtice with his own proper hands brought the record and proceedings in the plaint aforeſaid, with all things concerning the ſame, to our ſaid lord the king in the preſent parliament, according to the exigency of that writ.

Afterwards, to wit, on the —— day of —— in the —— year of the reign of our ſaid lord the king, before our ſaid lord the king and the peers of this realm, in the preſent parliament at *Weſtminſter* in the county of *Middleſex* aſſembled, comes the ſaid *C. D.* in his proper perſon, and immediately ſays that in the record and proceedings aforeſaid, and alſo in the judgment aforeſaid thereupon given, in the ſaid court of Exchequer-chamber of our ſaid lord the king, there is manifeſt error, *&c.* (ſtating the aſſignment of errors and joinder): But becauſe the court of our ſaid lord the king before the king himſelf in his parliament, are not yet adviſed what judgment to give of and upon the premiſes, a day is therefore given to the parties aforeſaid, before our ſaid lord the king in his parliament, until —— the —— day of —— next enſuing, whereſoever, *&c.* to hear their judgment of and upon the premiſes, becauſe the court of our ſaid lord the king in his parliament here, are not yet adviſed thereof, *&c.* At which day, before the ſame court of parliament at *Weſtminſter* aforeſaid, come as well the ſaid *C. D.* as the ſaid *A. B.* whereupon all and ſingular the premiſes being ſeen, *&c.* (as in the laſt precedent, to the end).

Fieri facias after *non-pros* or affirmance in the King's Bench.

George the Third, &c. To the ſheriff of ——, greeting: We command you, that of the goods and chattels of *C. D.* late of, &c. in your bailiwick, you cauſe to be made —— *l.* (or a certain debt of —— *l.*) which *A. B.* lately in our court before *John* Lord *Eldon* and his companions, then our juſtices of the bench at *Weſtminſter*, recovered againſt the ſaid *C. D.* &c. whereof the ſaid *C. D.* is convicted, as by the inſpection of the record and proceedings thereof, which we lately cauſed to be brought into our court before us at *Weſtminſter*, for certain ſuppoſed cauſes of error therein, and which are now there remaining, appears to us of record; and alſo ——*l.* which in our ſaid court before us at *Weſtminſter* aforeſaid, were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained and expended, on occaſion of the delay of execution of the judgment aforeſaid, on pretence of proſecuting our writ of error brought thereupon by the ſaid *C. D.* againſt the ſaid *A. B.* becauſe the ſaid *C. D.* did not proſecute the ſaid writ of error with effect; (or on an affirmance, "the ſaid judgment being in our ſaid court before us, in all things affirmed;") whereof the ſaid *C. D.* is alſo convicted, as appears to us of record; and have the ſaid monies before us, on —— whereſoever we ſhall then be in *England*, to render to the ſaid *A. B.* for his damages coſts and charges aforeſaid; and have there this writ. Witneſs *Lloyd* Lord *Kenyon*, &c.

George

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that of the goods and chattels of *C. D.* late of, *&c.* in your bailiwick, you cauſe to be made —— *l.* which lately in our court before us were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained and expended, on occaſion of the delay of the execution of a certain judgment, obtained by the ſaid *A. B.* againſt the ſaid *C. D.* in our court before *John* Lord *Eldon* and his companions, our juſtices of the bench at *Weſtminſter*, on pretence of proſecuting our writ of error brought by the ſaid *C. D.* againſt the ſaid *A. B.* of and upon the ſaid judgment, becauſe the ſaid *C. D.* did not proſecute the ſaid writ of error with effect; (or, the ſaid judgment being in our ſaid court before us, in all things affirmed;) whereof the ſaid *C. D.* is convicted, as by the record and proceedings thereof, which for certain ſuppoſed cauſes of error therein, we lately cauſed to be brought into our ſaid court before us, and which are now there remaining, appears to us of record; and have the ſaid money, *&c.* (as in the laſt).

The like, for the damages and coſts in error only.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made —— *l.* (or a certain debt of —— *l.*) which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* &c. whereof the ſaid *C. D.* is convicted, as appears to us of record; and alſo —— *l.* which in our court of Exchequer-chamber

The like, after a *non-pros* or affirmance in the Exchequer-chamber.

chamber at *Weſtminſter*, before our juſtices of the bench and the barons of our Exchequer of the degree of the coif, were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges, which he had ſuſtained and expended, on occaſion of the delay of the execution of the judgment aforeſaid, on pretence of proſecuting our writ of error brought thereupon by the ſaid *C. D.* againſt the ſaid *A. B.* becauſe the ſaid *C. D.* did not proſecute the ſaid writ of error with effect; (or, the ſaid judgment being in our ſaid court of Exchequer-chamber in all things affirmed;) whereof the ſaid *C. D.* is alſo convicted, as by the record and proceedings of our ſaid juſtices and barons, before them had in the premiſes, and by them remitted into and now remaining in our ſaid court before us at *Weſtminſter* aforeſaid, alſo appears to us of record; and have the ſaid monies before us at *Weſtminſter*, on —— next after ——, to render to the ſaid *A. B.* for his damages coſts and charges aforeſaid; and have there then this writ. Witneſs, *&c.*

The like, after an action on the judgment, and a writ of error thereon.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made —— *l.* (or a certain debt of —— *l.*) which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* &c. whereof the ſaid *C. D.* is convicted, as appears to us of record; and alſo —— *l.* which in our court of Exchequer-chamber at *Weſtminſter*, before our juſtices of the bench and the barons of our Exchequer of the degree of

of the coif, were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained and expended, on occaſion of the delay of the execution of the judgment aforeſaid, on pretence of proſecuting our writ of error brought thereupon by the ſaid *C. D.* againſt the ſaid *A. B.* becauſe the ſaid *C. D.* did not proſecute the ſaid writ of error with effect; (or, the ſaid judgment being in our ſaid court of Exchequer-chamber in all things affirmed;) whereof the ſaid *C. D.* is alſo convicted, as by the record and proceedings of our ſaid juſtices and barons, before them had in the premiſes, and by them remitted into and now remaining in our ſaid court before us at *Weſtminſter* aforeſaid, alſo appears to us of record; and alſo —— *l.* which the ſaid *A. B.* lately in our ſaid court before us at *Weſtminſter* aforeſaid, recovered againſt the ſaid *C. D.* for his damages which he had ſuſtained, as well by reaſon of the detention of the ſaid firſt-mentioned damages (or debt and damages) coſts and charges, as for his coſts and charges by him about his ſuit in that behalf expended; whereof the ſaid *C. D.* is alſo convicted, as appears to us of record; and alſo —— *l.* which in our ſaid court of Exchequer-chamber, before our juſtices and barons aforeſaid, were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained and expended, on occaſion of the delay of the execution of the ſaid laſt-mentioned judgment, on pretence of proſecuting our writ of error brought thereupon by the ſaid *C. D.* againſt the

ſaid

ſaid *A. B.* becauſe the ſaid *C. D.* did not proſecute the ſaid laſt-mentioned writ of error with effect; (or, the ſaid laſt-mentioned judgment being in our ſaid court of Exchequer-chamber in all things affirmed;) whereof the ſaid *C. D.* is alſo convicted, as by the record and proceedings of our ſaid juſtices and barons, before them had in the premiſes laſt aforeſaid, and by them remitted into and now remaining in our ſaid court before us at *Weſtminſter* aforeſaid, alſo appears to us of record; and have the ſaid monies, *&c.*

The like, for the damages and coſts in error only.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made —— *l.* which lately in our court of Exchequer-chamber at *Weſtminſter*, before our juſtices of the bench and the barons of our Exchequer of the degree of the coif, were adjudged to *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained and expended, on occaſion of the delay of the execution of a certain judgment, obtained by the ſaid *A. B.* againſt the ſaid *C. D.* in our court before us, on pretence of proſecuting our writ of error brought thereupon by the ſaid *C. D.* againſt the ſaid *A. B.* becauſe the ſaid *C. D.* did not proſecute the ſaid writ of error with effect; (or, the ſaid judgment being in our ſaid court of Exchequer-chamber in all things affirmed;) whereof the ſaid *C. D.* is convicted, as by the record and proceedings of our ſaid juſtices and barons, before them had in the premiſes, and by them remitted into and now remaining

remaining in our ſaid court before us at *Weſtminſter* aforeſaid, appears to us of record; and have the ſaid monies, *&c.*

The like, after a *non-pros* or affirmance in the Houſe of Lords.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that of the goods and chattels of *C. D.* in your bailiwick, you cauſe to be made —— *l.* (or a certain debt of —— *l.*) which *A. B.* lately in our court before us at *Weſtminſter*, recovered againſt the ſaid *C. D.* &c. whereof the ſaid *C. D.* is convicted, as appears to us of record; and alſo —— *l.* which in our court of parliament were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained and expended, on occaſion of the delay of execution of the judgment aforeſaid, on pretence of proſecuting our writ of error brought thereupon by the ſaid *C. D.* againſt the ſaid *A. B.* becauſe the ſaid *C. D.* did not proſecute the ſaid writ of error with effect; (or, the ſaid judgment being in our ſaid court of parliament in all things affirmed;) whereof the ſaid *C. D.* is alſo convicted, as by the inſpection of the record and proceedings thereof, remitted from our ſaid court of parliament, into our court before us, alſo appears to us of record; and have the ſaid monies, *&c.*

Capias ad ſatisfaciendum, after a *non-pros* or affirmance in the King's Bench.

George the Third, *&c.* To the ſheriff of ——, greeting: We command you, that you take *C. D.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us, on —— where-

—— whereſoever we ſhall then be in *England*, to ſatisfy *A. B.* —— *l.* (or a certain debt of —— *l.*) which the ſaid *A. B.* lately in our court before *John* Lord *Eldon* and his companions, then our juſtices of the bench at *Weſtminſter*, recovered againſt the ſaid *C. D.* &c. whereof the ſaid *C. D.* is convicted, as by the inſpection of the record and proceedings thereof, which we lately cauſed to be brought into our court before us at *Weſtminſter*, for certain ſuppoſed cauſes of error therein, and which are now there remaining, appears to us of record; and alſo —— *l.* which in our ſaid court before us at *Weſtminſter*, were adjudged to the ſaid *A. B.* according to the form of the ſtatute in ſuch caſe made and provided, for his damages coſts and charges which he had ſuſtained and expended, on occaſion of the delay of execution of the judgment aforeſaid, on pretence of proſecuting our writ of error brought thereupon by the ſaid *C. D.* againſt the ſaid *A. B.* becauſe the ſaid *C. D.* did not proſecute the ſaid writ of error with effect; (or, the ſaid judgment being in our ſaid court before us in all things affirmed;) whereof the ſaid *C. D.* is alſo convicted, as appears to us of record; and have there this writ. Witneſs, *&c.*

The different writs of *capias ad ſatisfaciendum*, after a *nonpros* or affirmance in the Exchequer-chamber or Houſe of Lords, may be eaſily collected from the above form, and the foregoing writs of *fieri facias* in ſimilar caſes.

Scire facias quare reſtitutionem non, after a judgment reverſed in the King's Bench.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately, to wit, in —— term, in the —— year of our reign, in our court before *John* Lord *Eldon* and his companions, then our juſtices of the bench at *Weſtminſter*, by our writ and by the judgment of the ſame court, recovered againſt *C. D.* late of, *&c.* —— *l.* which in our ſame court were adjudged to the ſaid *A. B.* for his damages, *&c.* whereof the ſaid *C. D.* was convicted, as by the inſpection of the record and proceedings thereof, which for certain cauſes of error we cauſed to be brought into our court before us at *Weſtminſter*, appears to us of record: And for divers errors found in the record and proceedings aforeſaid, and alſo in the giving of the judgment aforeſaid, we have reverſed and totally annulled the ſaid judgment; and we have further conſidered in our ſaid court before us at *Weſtminſter* aforeſaid, that the ſaid *C. D.* be reſtored to all things which he hath loſt on occaſion of the judgment aforeſaid: And now on the behalf of the ſaid *C. D.* in our ſaid court before us we have been informed, that the ſaid *A. B.* hath had his execution of the damages aforeſaid, on pretence of the judgment aforeſaid, given in our court of the Bench aforeſaid, and is yet poſſeſſed thereof, to wit, at, *&c.* whereupon the ſaid *C. D.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *A. B.* that he be before us, on —— whereſoever we ſhall then be in *England*, to ſhew if he hath or knoweth of any thing to ſay for himſelf,

himſelf, why the ſaid *C. D.* ought not to have reſtitution of the damages aforeſaid, according to the force, form and effect of the judgment aforeſaid, given in our ſaid court before us; and further to do and receive, *&c.*

The like, after a judgment reverſed in the Exchequer-chamber.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* —— *l.* for his damages, *&c.* whereof the ſaid *C. D.* is convicted, as appears to us of record; and afterwards the ſaid *C. D.* brought our writ for correcting error of and upon the record and proceedings aforeſaid, againſt the ſaid *A. B.* returnable before our juſtices of the Common Bench and the barons of our Exchequer, in our Exchequer-chamber: And thereupon afterwards, to wit, on the —— day of —— in the —— year of our reign, before our juſtices of the Common Bench and the barons of our Exchequer aforeſaid, in our ſaid Exchequer-chamber, it was conſidered, that the judgment aforeſaid, for divers errors in the record and proceedings aforeſaid, ſhould be reverſed, annulled and altogether held for nothing, and that the ſaid *C. D.* ſhould be reſtored to all things which he had loſt on occaſion of that judgment; as by the inſpection of the record and proceedings thereof, now remaining in our ſaid court before us, alſo appears to us of record: And now on the behalf of the ſaid *C. D.* in our ſaid court before us we have been informed, that the ſaid *A. B.* hath had his execution of the damages aforeſaid, in form aforeſaid recovered, and is yet poſſeſſed thereof;

where-

whereupon the ſaid *C. D.* hath humbly beſought us to provide him a proper remedy in this behalf: And we being willing that what is juſt in this behalf ſhould be done, command you, that by honeſt and lawful men of your bailiwick, you make known to the ſaid *A. B.* that he be before us at *Weſtminſter*, on —— next after ——, to ſhew if he hath or knoweth of any thing to ſay for himſelf, why the ſaid *C. D.* ought not to have reſtitution of the damages aforeſaid, if it ſhall ſeem expedient for him ſo to do; and further to do and receive, *&c.*

Writ of reſtitution, after a judgment reverſed in the King's Bench.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately, that is to ſay, in —— term, in the —— year of our reign, in our court before *John* Lord *Eldon* and his companions, then our juſtices of the bench at *Weſtminſter*, by our writ and by the judgment of the ſame court, recovered againſt *C. D.* late of, *&c.* —— *l.* for his damages, *&c.* whereof the ſaid *C. D.* is convicted, as by the record and proceedings thereof, which for certain cauſes of error we lately cauſed to be brought into our court before us, appears to us of record: And by reaſon of divers errors in the ſaid record and proceedings, and alſo in giving the judgment aforeſaid, we have reverſed and totally annulled the ſame; and we have further conſidered in our ſaid court before us, that the ſaid *C. D.* be reſtored to all things which he hath loſt on occaſion of the judgment aforeſaid: And whereas the ſaid *A. B.* on pretence of the ſaid former judgment, hath had his execution of the damages aforeſaid, and is yet poſſeſſed thereof, as we have been informed: Therefore we command

you, that if it can be made appear to you, that the ſaid *A. B.* hath had his execution of the damages aforeſaid, by virtue of the judgment aforeſaid, then without delay you cauſe the ſaid *C. D.* to have full reſtitution of the ſaid —— *l.*; and if you cannot cauſe him to have reſtitution thereof, then that of the goods and chattels of the ſaid *A. B.* in your bailiwick, you cauſe to be made the ſaid —— *l.* and cauſe that money to be delivered without delay to the ſaid *C. D.* (or, that you take the ſaid *A. B.* if he ſhall be found in your bailiwick, and him ſafely keep, ſo that you may have his body before us, on —— whereſoever, *&c.* to reſtore and make ſatisfaction to the ſaid *C. D.* of the ſaid —— *l.*): And in what manner you ſhall execute this our writ, make appear to us, on —— whereſoever, *&c.* and have there this writ. Witneſs, *&c.*

The like, after a judgment reverſed in the Exchequer-chamber.

George the Third, *&c.* To the ſheriff of ——, greeting: Whereas *A. B.* lately in our court before us at *Weſtminſter*, by bill without our writ, and by the judgment of the ſame court, recovered againſt *C. D.* —— *l.* for his damages, *&c.* whereof the ſaid *C. D.* was convicted, as appeared to us of record: And afterwards, to wit, on the —— day of —— in the —— year of our reign, the tranſcript of the record and proceedings aforeſaid, with all things concerning the ſame, by virtue of our certain writ for correcting error proſecuted by the ſaid *C. D.* in the premiſes, was tranſmitted from our ſaid court before us, before our juſtices of the Common Bench and the barons of our Exchequer of the degree of the coif, in the Exchequer-chamber, according to the form

form of the ſtatute made in the parliament of the lady *Elizabeth* late queen of *England*, holden at *Weſtminſter*, on the 23d day of *November* in the twenty-ſeventh year of her reign: And afterwards, to wit, on the —— day of —— in the —— year of our reign aforeſaid, before our ſaid juſtices of the Common Bench and barons of our Exchequer, in the Exchequer-chamber aforeſaid, it was conſidered, that the judgment aforeſaid, for divers errors in the record and proceedings aforeſaid, ſhould be reverſed, annulled and altogether held for nothing, and that the ſaid *C. D.* ſhould be reſtored to all things which he had loſt by occaſion of the judgment aforeſaid: And afterwards the record aforeſaid, with the proceedings thereupon had in the premiſes, before the ſaid juſtices and the barons of the Exchequer aforeſaid, the ſame juſtices and barons have remitted before us at *Weſtminſter* aforeſaid, according to the form of the ſtatute aforeſaid, and they now remain in our ſame court before us: And now on the behalf of the ſaid *C. D.* in our ſaid court before us we have been informed, that the ſaid *A. B.* on pretence of the ſaid former judgment, hath had his execution of the damages aforeſaid, and is yet poſſeſſed thereof: Therefore we command you, *&c.* (as in the laſt, making the writ returnable on a day certain).

Writ of falſe-judgment.

George the Third, &c. To the ſheriff of ——; greeting: If *C. D.* ſhall give you ſecurity that his ſuit ſhall be proſecuted, then in your full county cauſe the plaint to be recorded, which was in the ſame county without our writ, between *A. B.* and the ſaid *C. D.* of a certain treſpaſs on the caſe done to the ſaid *A. B.* by the ſaid *C. D.* as it is ſaid, wherein the ſaid *C. D.* complaineth that falſe judgment hath been given againſt him in the ſaid county; and that you have the ſaid record before us, on ——, whereſoever we ſhall then be in *England*, under your ſeal, and the ſeals of four lawful knights of the ſame county, of ſuch as ſhall be preſent at the ſaid recording; and ſummon by good ſummoners the ſaid *A. B.* that he be then there, to hear the ſaid record; and have you there the ſummoners, the names of the ſaid four knights, and this writ. Witneſs ourſelf at *Weſtminſter*, the —— day of —— in the —— year of our reign.

By the lord chancellor of *Great Britain*, at the inſtance of the defendant.

Return thereto.

By virtue of this writ to me directed, I have in my full county, held at —— the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, and ſo forth, cauſed the plaint to be recorded, whereof mention is within made; and I have the record of the ſame plaint before our ſaid lord the king, on the day within contained, under my ſeal, and the ſeals of four lawful knights of my ſaid county, of

ſuch as were preſent at the ſaid recording: And by —— and —— I have ſummoned the within-named *A. B.* that he be before our ſaid lord the king, on the day aforeſaid, to hear the ſaid record, as by this writ I am commanded; which ſaid record is contained in a ſchedule to this writ annexed.

J. K. ſheriff.

Proceedings in the county-court, from levying the plaint to final judgment after verdict.

—— to wit. The —— county-court of *J. K.* eſquire, ſheriff of the county aforeſaid, held at —— in and for the ſaid county, and within the juriſdiction of the ſame court, according to the cuſtom of the ſaid court, from time whereof the memory of man is not to the contrary there uſed and approved of in the ſame court, on —— the —— day of —— in the —— year of the reign of our ſovereign lord *George* the Third, by the grace of God of *Great Britain*, *France* and *Ireland* king, defender of the faith, and ſo forth, and in the year of our Lord 179-, before *L. M.* &c. freeholders within the ſaid county, and ſuitors of the ſame court. Be it remembered, that at this court comes here *A. B.* in his proper perſon, and now in the ſame court here, levies his plaint againſt *C. D.* of a plea of treſpaſs in the caſe, to the damage of the ſaid *A. B.* of thirty-nine ſhillings and eleven-pence; and in the ſame court here finds pledges to proſecute his ſaid plaint, to wit, *John Doe* and *Richard Roe*; and now in the ſame court here, prays the proceſs of the ſame court here to be made to him thereon, againſt the ſaid *C. D.* in the plea of his ſaid plaint; and it is granted to him, &c. And upon this it is in and by the ſame court here com-

manded to ——, one of the bailiffs errant of the ſaid *J. K.* ſheriff of the ſaid county, and miniſter of the ſame court here, that he ſummon by good ſummoners the ſaid *C. D.* within the juriſdiction of the ſame court, that he be and appear at the next court of the county aforeſaid, to be holden at —— aforeſaid, in and for the county aforeſaid, and within the juriſdiction of the ſame court, on —— the —— day of —— next enſuing, to anſwer to the ſaid *A. B.* in the plea of the ſaid plaint; and what the ſaid miniſter ſhall do thereon, that he certify to the ſame next court; the ſame day is in and by the ſame court here given to the ſaid *A. B.* to be there, *&c.* At which ſame next court, to wit, the —— county-court of the ſaid *J. K.* eſquire, ſheriff of the county aforeſaid, held at —— aforeſaid, in and for the ſaid county, and within the juriſdiction of the ſame court, on —— the —— day of —— in the ſaid —— year of the reign of our ſaid lord the now king, before *N. O.* &c. freeholders within the ſaid county, and ſuitors of the ſame court, comes the ſaid *A. B.* in his proper perſon, and offers himſelf againſt the ſaid *C. D.* in the plea of his ſaid plaint; and the ſaid —— bailiff and miniſter of the ſame court, now returns to the ſame court here, the aforeſaid precept to him in form aforeſaid directed, in all things ſerved and executed, to wit, that he by virtue of that precept, to him in form aforeſaid directed, by —— and —— good ſummoners, hath ſummoned the ſaid *C. D.* within the juriſdiction of the ſaid court, that he be and appear at the ſame next court, to anſwer the ſaid *A. B.* in the plea of the ſaid plaint, as he was commanded: Whereupon the

ſaid

ſaid *C. D.* being ſolemnly called, comes into this ſame court here, in his proper perſon; and thereupon the ſaid *A. B.* in this ſame court, puts in his place *E. F.* his attorney, againſt the ſaid *C. D.* in the plea of the ſaid plaint; and the ſaid *C. D.* in this ſame court here puts in his place *G. H.* his attorney, at the ſuit of the ſaid *A. B.* in the plea of the ſaid plaint; and thereupon the ſaid *A. B.* prays a day to declare againſt the ſaid *C. D.* in the plea of the ſaid plaint here, until the next court of the county aforeſaid, to be holden at —— aforeſaid, in and for the county aforeſaid, and within the juriſdiction of the ſame court, on —— the —— day of —— now next enſuing; and he hath it, *&c.* the ſame day is given to the ſaid *C. D.* to be there, *&c.* At which ſame next court, to wit, the —— county-court of the ſaid *J. K.* eſquire, ſheriff of the county aforeſaid, held at —— aforeſaid, in and for the ſaid county, and within the juriſdiction of the ſame court, on the aforeſaid —— the —— day of —— in the —— year of the reign of our ſaid lord the now king, before *P. Q.* &c. freeholders within the ſaid county, and ſuitors of the ſame court, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid; and hereupon the ſaid *A. B.* prays a further day to declare againſt the ſaid *C. D.* in the plea of the ſaid plaint here, until the next court of the county aforeſaid, to be holden at —— aforeſaid, in and for the ſaid county, and within the juriſdiction of the ſame court, on —— the —— day of —— now next enſuing; and he hath it, *&c.* the ſame day is given to the ſaid *C. D.* to be there, *&c.* At which ſame next court, to wit, the —— county-court of the ſaid *J. K.* eſquire, ſheriff of the

ſaid county, held at —— aforeſaid, in and for the ſaid county, and within the juriſdiction of the ſame court, on the aforeſaid —— the —— day of —— in the —— year of the reign of our ſaid lord the now king, before *R. S.* &c. freeholders within the ſaid county, and ſuitors of the ſame court, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid: And thereupon the ſaid *A. B.* by his ſaid attorney, now declares here in this ſame court, againſt the ſaid *C. D.* in the plea of the ſaid plaint, in manner and form following, that is to ſay: In the county-court. *A. B.* complains againſt *C. D.* of a plea of treſpaſs on the caſe; for that whereas, &c. (here copy the declaration). And thereupon the ſaid *C. D.* prays leave to imparl thereto here, until the next court of the county aforeſaid, to be holden in and for the ſame county here, to wit, at —— aforeſaid in the county aforeſaid, and within the juriſdiction of the ſame court, on —— the —— day of —— now next enſuing; and he hath it, &c. the ſame day is given to the ſaid *A. B.* to be there, &c. At which ſame next court, to wit, the —— county-court of the ſaid *J. K.* eſquire, ſheriff of the county aforeſaid, held at —— aforeſaid, in and for the ſaid county, and within the juriſdiction of the ſame court, on the aforeſaid —— the —— day of —— in the —— year of the reign of our ſaid lord the now king, before *T. U.* &c. freeholders within the ſaid county, and ſuitors of the ſame court, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid; and thereupon the ſaid *C. D.* by his attorney aforeſaid, defends the wrong and injury when, &c. and ſaith that he did not undertake or promiſe,

promiſe, in manner and form as the ſaid *A. B.* hath above thereof complained againſt him; and of this he the ſaid *C. D.* puts himſelf upon the country, *&c.* And hereupon the ſaid *A. B.* prays leave to reply thereto here, until the next court of the county aforeſaid, to be holden in and for the ſame county here, to wit, at —— aforeſaid in the ſaid county, and within the juriſdiction of the ſame county, on —— the —— day of —— now next enſuing; and he hath it, *&c.* the ſame day is given to the ſaid *C. D.* to be there, *&c.* At which ſame next court, to wit, the —— county-court of the ſaid *J. K.* eſquire, ſheriff of the county aforeſaid, held at —— aforeſaid, in and for the ſaid county, and within the juriſdiction of the ſame court, on the aforeſaid —— the —— day of —— in the —— year of the reign of our ſaid lord the now king, before *V. W.* &c. freeholders within the ſaid county, and ſuitors of the ſame court, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid; and thereupon the ſaid *A. B.* doth likewiſe put himſelf upon the country: Therefore to try the iſſue above joined between the parties aforeſaid, it is commanded by the court here, to —— and —— bailiffs and miniſters of the aforeſaid court, that they cauſe to come at the next court, to be holden at —— aforeſaid, in and for the county aforeſaid, and within the juriſdiction of the ſame court, on —— the —— day of —— now next enſuing, twelve honeſt and lawful men of the ſame county, and within the juriſdiction of the ſame court, by whom, *&c.* and who neither, *&c.* to recognize, *&c.* becauſe as well, *&c.* the ſame day is given in and by the ſaid court here to the parties

aforesaid, to be there, &c. At which same next court, to wit, at the —— county-court of the said *J. K.* esquire, sheriff of the county aforesaid, held at —— aforesaid, in and for the said county, and within the jurisdiction of the same court, on the aforesaid —— the —— day of —— in the —— year of the reign of our said lord the now king, before *X. Y.* &c. freeholders within the said county, and suitors of the same court, come as well the said *A. B.* as the said *C. D.* by their attornies aforesaid; and the said —— and —— bailiffs and ministers of the aforesaid court, to whom, &c. have not returned the aforesaid precept, nor have they or either of them done any thing thereon: Therefore, as before, it is commanded by the court here, to the aforesaid —— and —— bailiffs and ministers of the same court, that they cause to come at the next court to be holden at —— aforesaid, in and for the said county, and within the jurisdiction of the same court, on —— the —— day of —— now next ensuing, twelve honest and lawful men of the same county, and within the jurisdiction of the same court, by whom, &c. and who neither, &c. to recognize, &c. because as well, &c. the same day is given in and by the said court here to the parties aforesaid, to be there, &c. Before which said next court, the aforesaid *J. K.* was in due manner removed from his said office of sheriff of the county aforesaid, and *Z. A.* esquire was duly chosen, constituted and appointed sheriff of the said county, in the lieu and stead of the said *J. K.* At which same next court, to wit, at the first county-court of the said *Z. A.* esquire, sheriff of the county aforesaid, held at —— aforesaid in

and

and for the ſaid county, and within the juriſdiction of the ſame court, on the aforeſaid —— the —— day of —— in the —— year of the reign of our ſaid lord the now king, before *B. C.* &c. freeholders within the ſaid county, and ſuitors of the ſame court, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid; and the ſaid —— and ——, bailiffs and miniſters of the court aforeſaid, have ſent here the aforeſaid precept to them in form aforeſaid directed, in all things ſerved and executed, together with a panel of the names of twelve honeſt and lawful men of the county aforeſaid, and within the juriſdiction of the ſaid court, and who are in no-wiſe of kin either to the ſaid *A. B.* or to the ſaid *C. D.* impanelled to recognize in form aforeſaid, between the parties aforeſaid: And thoſe jurors in form aforeſaid ſo impanelled, namely, *D. E.* &c. being ſolemnly called in the ſame court appear, who being choſen, tried and ſworn by the ſame court here, to ſpeak the truth of the premiſes above contained, and put in iſſue between the ſaid parties, upon their oath ſay, that the ſaid *C. D.* did undertake and promiſe, in manner and form as the ſaid *A. B.* hath above thereof complained againſt him; and they aſſeſs the damages of the ſaid *A. B.* by reaſon of the premiſes aforeſaid, over and above his coſts and charges by him laid out about his ſuit in this behalf, to —— *s.* and for thoſe coſts and charges to —— pence: And thereupon the ſaid *A. B.* prays the judgment of the court here, of and upon the premiſes aforeſaid; But becauſe the court now here hath not yet determined what judgment to give in the premiſes, a day is therefore given by this court, as well to the ſaid

A. B.

A. B. as to the ſaid *C. D.* until the next court of the county aforeſaid, to be holden at —— aforeſaid, in and for the ſaid county, and within the juriſdiction of this court, on —— the —— day of —— now next enſuing, for hearing the judgment of the ſame court thereupon, for that this court hath not yet thereof determined, &c. At which ſame next court, to wit, at the ſecond county-court of the ſaid *Z. A.* ſheriff of the county aforeſaid, held at —— aforeſaid, in and for the county aforeſaid, and within the juriſdiction of the ſame court, on the aforeſaid —— the —— day of —— in the ſaid —— year of the reign of our ſaid lord the now king, before *F. G.* &c. freeholders within the ſaid county, and ſuitors of the ſame court, come as well the ſaid *A. B.* as the ſaid *C. D.* by their attornies aforeſaid; and thereupon all and ſingular the premiſes aforeſaid being ſeen and inſpected, and by the court here fully underſtood, and mature deliberation being thereupon had, it is conſidered in and by the ſame court here, that the ſaid *A. B.* do recover againſt the ſaid *C. D.* his damages coſts and charges, in form aforeſaid aſſeſſed by the ſaid jury, to —— and alſo —— *l.* for his coſts and charges aforeſaid, by the ſaid court here adjudged of increaſe to the ſaid *A. B.* and with his aſſent; which ſaid damages in the whole amount to —— *l.* And the ſaid *C. D.* in mercy, &c.

Z. A. ſheriff.

Aſſignment of falſe-judgment.

And hereupon the ſaid *C. D.* ſays that the record aforeſaid is vicious, and in many reſpects defective, and that falſe-judgment is given againſt him in and upon the plaint aforeſaid, in this, to wit, that the conſideration

conſideration of and for the ſuppoſed promiſes and undertakings in the ſaid declaration mentioned, is not ſtated or alledged, nor does the ſame appear in or by the ſaid declaration, to have ariſen or happened within the juriſdiction of the county-court of the ſheriff of the county aforeſaid; and alſo in this, to wit, that by the record aforeſaid it appears, that the judgment aforeſaid in form aforeſaid given, was given for the ſaid *A. B.* againſt the ſaid *C. D.* whereas by the law of the land, the ſaid judgment ought to have been given for the ſaid *C. D.* againſt the ſaid *A. B.* And ſo the ſaid *C. D.* ſays, that in the ſaid court of the ſaid county, falſe-judgment hath in divers inſtances been given againſt him in the plaint aforeſaid; and he prays that the ſaid judgment, for the above and other defects in the record aforeſaid, may be reverſed, annulled and altogether held for nothing, as being falſe and of no effect, and that the ſaid *C. D.* may be reſtored to all things which he has loſt by occaſion of the ſaid judgment, *&c.*

And the ſaid *A. B.* ſays, that the ſaid record is in no-wiſe vicious or defective, nor is any falſe-judgment given againſt the ſaid *C. D.* in or upon the plaint aforeſaid; and he prays that the ſaid court here may proceed to the examination of the ſaid record, and to the reformation and correction of the falſe-judgment, if any ſhall be found or appear to be given therein, *&c.* But becauſe, *&c.* Joinder.

ERRATA.

Page 41. in margin, *for* ſtatutes *read* ſtatute
120. line 23. *for* one *read* our
144. in margin, *before* corporation *inſert* a
360. line 21. *after* command you, *add* our ſaid ſheriff
388. line 11. *after* G. H. *add* died
441. in margin, *for* writ inquiry *read* writ of inquiry
444. line 8. *for* C. D. *read* A. B.
494. in margin, *for* warrants *read* warrant

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